00078543

Digitized with financial assistance from the
Government of Maharashtra
on 02 January, 2016

# THE LAW

RELATING TO

# INDIA,

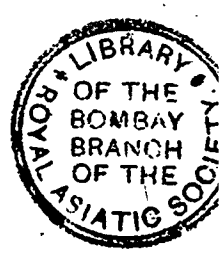
AND

4555

# THE EAST-INDIA COMPANY;

549.95403
Gnd

WITH




## NOTES AND AN APPENDIX.

78543
oc

N. a. 43

LONDON:

WM. H. ALLEN & CO., LEADENHALL STREET.

1840.

00078543

# PREFACE.

THE present work was undertaken from a conviction, the result of experience, of the necessity of such a publication.

The laws affecting India and the East-India Company are dispersed through more than a hundred volumes of the Statutes: they are to be found, in some cases, in entire Acts of Parliament of great length, specially devoted to the subjects; in others in scattered provisions surrounded by enactments applying to objects and interests totally unconnected with India. A very large portion of what once was law has ceased to be so, either from having been directly repealed or being substantially at variance with subsequent Acts of the Legislature. Of that which still remains in force much has been limited, extended, and, in various respects, modified by later provisions. No one, therefore, referring to any one enactment relating to the point upon which he sought information could rely upon that which he found until he had collated the provision before him with all others existing on the subject, and from a comparison of the whole deduced the present state of the law.

Many years have elapsed since any collection of the laws relating to the East-India Company appeared, and in the period that has succeeded since the publication of the latest work on the subject, changes greater and more important than any which the Company had previously experienced have taken place. On this account little assistance could be derived from preceding works in preparing the present. A careful search throughout the whole of the Statutes was indispensable, as well as a careful comparison of such parts as bore on the subject. The time, labour, and thought, demanded

by the task, were great, and the duties imposed by the undertaking were not unfrequently of considerable delicacy. Its execution, however, will, it is hoped, afford what was previously wanting—a guide to the state of the Law relating to India and the East-India Company. The necessity of seeking through the Statutes at large for the various provisions on any subject will be removed—and the inquirer will here find the entire law presented to his view. A reference to the Index will afford a direction to every Act and Section relating to any given point, while the illustrative notes which are attached to the more important enactments, will answer the purpose of a Digest of the Law upon the subjects to which they relate. A few of the more recent Acts of the Government of India, to which the opportunity of reference might be desirable, have been placed in an Appendix.

After adverting to the magnitude of the labour necessary to the completion of this Volume, it would be unjust to refrain from noticing the means by which that labour has been lightened and its ends facilitated. Access has been afforded to a series of valuable legal opinions given by Mr. Lawford, Solicitor to the East-India Company, and by their present and former standing Counsel; as well as by other distinguished members of the profession, some of whom now occupy the highest judicial stations in her Majesty's Courts at Westminster.

The assistance afforded by Mr. Melvill, the Secretary of the East-India Company, calls for distinct and grateful acknowledgment. The interest which he has taken in the progress of the work, and the valuable suggestions made by him for its improvement, have greatly added to its comprehensiveness and utility.

Under these circumstances the work is submitted in full confidence, that upon all material points entire reliance may be placed on its accuracy and completeness.

*London, 9th March* 1840.

# CONTENTS.


CHARTERS OF THE EAST-INDIA COMPANY ... ... ... ... ... ... 1

COLLECTION OF STATUTES ... ... ... ... ... ... ... ... 13

ACTS PASSED BY THE GOVERNMENT OF INDIA ... ... ... ... ... 509

GENERAL INDEX ... ... ... ... ... ... ... ... ... ... 555

A

# COLLECTION

OF

# CHARTERS AND STATUTES.

---

The first Charter for erecting an East-India Company was dated the 31st December 1600; the second Charter to the original Company, the 31st May 1609; the third, 3d April 1661; the fourth, 5th October, 1677; the fifth, 9th August 1683; the sixth, 12th April 1686; the seventh, 7th October 1693; and the eighth, 13th April 1698. In addition to these Charters the Company obtained a grant (dated 27th March 1669) of the Island of Bombay, and another (16th December 1674) of the Island of St. Helena.

The manner in which the corporate rights of the old Company were extinguished will be seen at page 11.

King William the Third incorporated a second East-India Company by Charter, dated 5th September 1698. This Charter, after reciting an Act lately made and passed in Parliament, entitled "An Act for "raising a Sum not exceeding Two Millions upon a Fund for payment "of Annuities, after the rate of Eight Pounds per centum per Annum, "and for settling a Trade to the East-Indies;" and reciting also the appointment of a Commission for receiving the subscriptions, the transmission into the Exchequer of the duplicates of the subscriptions for two millions, the incorporation of the "General Society," on the third of the instant month, and the desire of the Subscribers to be united in a Joint Stock, proceeds to endow the Company with various privi-

leges, and to make various provisions for its regulation. From the following selection from this Charter every thing of temporary application, or which has been annulled by later authority, is excluded, except so far as it was inseparable from matter necessary to be retained, or requisite for its explanation; and in such cases the additional matter is distinguished by being printed in *italics.*

The Subscribers incorporated.

Now know ye, That in pursuance of the powers and clauses for this purpose contained in the said Act of Parliament, and of our gracious promise and declaration made in and by our said commission or letters patent, whereby the subscriptions and contributions on the said Act have been promoted and encouraged: and by virtue of our prerogative royal, and likewise of our especial grace, certain knowledge and mere motion, we have given, granted, made, ordained, constituted, declared, appointed, and established, and by these presents for us, our heirs and successors, do give, grant, make, ordain, constitute, declare, appoint, and establish, That the said Subscribers herein last before particularly named, and every of them, and all and every person and persons, bodies politic and corporate, who, as executors, administrators, successors, or assigns, or by any other lawful title derived, or to be derived from, by, or under the same Subscribers, shall have and be entitled to any part, share, or interest of, or in the said yearly fund, by the said Act settled as aforesaid, or of, or in the proportionable annuities or yearly payments, issuing out of the said yearly fund, so long as they respectively shall have any such part, share, or interest therein, to be one body politic and corporate, *by the name of the English Company trading to the East-Indies, and them by the name of the English Company trading to the East-Indies,* one body politic and corporate, in deed and in name, really and fully for ever, for us our heirs and successors: we do make, declare, and establish by these presents, and *by the same name* they and their

To have perpetual succession and a common seal.

successors shall have perpetual succession, and shall and may have and use a common seal, for the use of business and affairs of the said Company and their successors, with power to break, alter, and make new their seal from time to time, as to them shall seem expedient; and *by the same name* they and their successors from time to time, and at all times for ever hereafter, shall be able and shall be a body politic and corporate, capable in law to have, take,

And may purchase.

purchase, receive, hold, keep, possess, enjoy and retain to and to the use of them and their successors, any manors, messuages, lands, rents, tenements, liberties, privileges, franchises, hereditaments, and possessions whatsoever, and of what kind, nature, or quality soever; and moreover to purchase and acquire all goods and chattels whatsoever, wherein they are not restrained by the said Act: and also to sell, grant, demise, alien or dispose of the said manors, messuages, lands, rents, tenements, privileges, franchises, hereditaments, possessions, goods and chattels, or any of them, and *by the same name* they and their successors shall and may

Power to sue and be sued.

sue and implead, and be sued and impleaded, answer and defend, and be answered and defended in Courts of Record, or any other place whatsoever, and before whatsoever judges, justices, officers, and ministers, of us, our heirs and successors, and in all and singular pleas, actions, suits, causes, and demands whatsoever, of what kind, nature, or sort soever, and in as large, ample, and beneficial manner and form, as any other body politic and corporate, or any other liege people of England, or other our dominions, being persons able and capable in law, may or can have, take, purchase, receive, hold, keep, possess, enjoy, sell, grant, demise, alien, dispose, sue, implead, defend, or answer, or be sued, impleaded, defended, or answered, in any manner or wise; and shall and may do and execute all and singular, other matters and

things *by the name aforesaid*, that to them shall or may appertain to do by virtue of the said Act or otherwise, *subject nevertheless to the proviso and condition of redemption in the said Act mentioned, and to all and every other restrictions, limitations, clauses, provisos, conditions, in the said Act contained*, and to such other restrictions, covenants, agreements, matters, and things, as are hereafter in these presents expressed.

Subjects of redemption of all restrictions in the Act and this Charter.

After various provisions, temporary and commercial, the following occurs:

And that the Directors of the said *English Company trading to the East-Indies*, and their successors for the time being, do and shall give in and deliver unto us, our heirs and successors, in our or their Privy Council, yearly and every year, in the month of October, a true account or inventory, fairly written, and signed by two or more Directors of the said Company for the time being, containing the nature, quantity, quality, value, and prime cost of all such goods of the growth, product, or manufacture of this our Kingdom of England as in the last preceding year have been exported by the said Company; together with the place, town, or port, from whence the said goods were exported to the East-Indies; and that oath be made of the truth of such account or inventory by the proper officers or servants of the said *English Company trading to the East-Indies*, who shall keep their books for the entry of goods outwards to the best of their knowledge.

The remainder of the clause relates to the supply to the Crown of a certain quantity of saltpetre by the Company; and the succeeding clause to the payment of Customs.

The following clause is the next in order.

To maintain a minister and schoolmaster, at St. Helena, and ministers at their factories in India,

and a chaplain on every ship of 500 tons:

by whom ministers to be approved.

And we do hereby further will and appoint, That the said Company, hereby established, and their successors, shall constantly maintain *a minister and school-master, in the Island of St. Helena*(1), *when the said Island shall come into the hands or possession of the same Company;* and also one minister in every garrison and superior factory, which the same Company or their successors shall have in the said East-Indies, or other the parts within the limits aforesaid; and shall also in such garrison and factories, respectively provide, or set apart, a decent and convenient place for Divine Service only; *and shall also take a chaplain on board every ship*(2), *which shall be sent by the same Company to the said East-Indies, or other the parts within the limits aforesaid, which shall be of the burthen of five hundred tons, or upwards, for such voyage, the salary of which chaplain shall commence from the time that such ship shall depart from England:* and moreover, that no such minister shall be sent by the same Company to the said East-Indies, or other the parts within the limits aforesaid, until he shall have been first approved of, by the Archbishop of Canterbury, or the Bishop of London, for the time being; all which said ministers so to be sent, shall be entertained from time to time with all due respect.

(1) [St. Helena was transferred to the crown by Act 3 & 4 Wm. IV. chap. 85.]

(2) [In consequence of the suspension of the Company's trade by Act 3 & 4 Wm. IV. chap. 85, they have no mercantile shipping.]

They are obliged to learn Portuguese and the native language.

And we do further will and appoint, that all such ministers as shall be sent to reside in India, as aforesaid, shall be obliged to learn, within one year after their arrival, the Portuguese language, and shall apply themselves to learn the native language of the country where they shall reside, the better to enable them to instruct the Gentoos, that shall be the servants or slaves of the same Company, or of their agents, in the Protestant religion; *and that in case of the death of any of the said ministers, residing in the East-Indies, or other the parts within the limits aforesaid, the place of such minister, so dying, shall be supplied by one of the chaplains out of the next ships, that shall arrive at or near the place where such minister shall happen to die.* (1)

(1) [*Vide* note (2) on page 3.]

Schoolmasters to be provided.

And we do hereby further will and direct, that the said Company, and their successors, shall, from time to time, provide schoolmasters, in all the said garrisons and superior factories where they shall be found necessary.

The twenty-four Directors, or any thirteen, to be a Court.

And for the better ordering, managing, and governing the affairs of the same Company, and for the making, and establishing, a continual succession of persons to be the Directors of the same, we do, by these presents, for us, our heirs and successors, grant unto the said body politic, *so called The English Company trading to the East-Indies*, and to their successors, and do hereby ordain and appoint that there shall be, from time to time, for ever (of the members of the said Company) twenty-four Directors, of and in the same Company, which Directors, or any thirteen or more of them, shall be and be called a Court of the Directors, for the ordering, managing, and directing the affairs of the same Company, and Corporation, and shall have such powers and privileges as are herein-after mentioned.

After naming the first Directors, and declaring that they shall continue in office until the 15th March 1700, and until others shall be chosen, the Charter proceeds,—

Members may meet to choose Directors, and make by-laws.

And we do further, by these presents, for us, our heirs and successors, give and grant unto the said *English Company trading to the East-Indies*, and their successors, and we do hereby ordain, will, and appoint, that it shall and may be lawful, to and for all and every the members of the same Company, hereby established, from time to time, to assemble and meet together at any convenient place or places, for the choice of their Directors, and for making of by-laws, ordinances, rules, orders, or directions, for the government of the said Company, or for any other affairs or business concerning the same; and that all the members of the same Company, or so many of them as shall be so assembled, shall be and be called a General Court of the said Company or Corporation, which Court shall assemble and meet at such times and in such manner as hereafter is directed; and that all succeeding Directors of the same Company shall, from and after the said twenty-fifth day of March one thousand seven hundred, be *yearly and* successively chosen, and for ever, out of the members of the same Company, *on some day or days, time or times, between the twenty-fifth day of March and the twenty-fifth day of April in each year*, (1) by the majority of votes of all and every the members of the same Company, *having then each of them five hundred pounds or more, share or interest in the stock of the same Company*, (1) *and who shall be personally present at such elections, each of them to have and give one vote, and no more* (1); and that every particular Corporation or body politic, that shall have *five hundred pounds*, or more, share or

Members so assembled, called a General Court.

All succeeding Directors to be chosen between 25th of March and 25th of April.

None to give more than one vote.

interest, of or in the stock for the said Company in respect thereof, at every such election, and at all General Courts of the said Company, *shall have one vote for the whole share or interest of such particular Corporation, or body politic, and no more* (1); which votes, for such particular Corporations or bodies politic, shall and may be given by such person or persons as shall be deputed thereunto, under the common seal, or common seals, of such particular Corporation, or bodies politic, respectively; and the said succeeding Directors so chosen, shall severally and respectively continue in their respective offices or trusts, to which they shall be severally elected, *for one year* (1), and till others shall be duly chosen and sworn into their places respectively.

A Corporation may send a vote by a deputy.

Provided nevertheless, that in case of death, avoidance, or removal of any of the Directors of the said Company for the time being, the survivors of them, or the majority of those remaining in their office, shall and may at any time assemble together the Members of the said Company, in order to elect other persons, by Members qualified to vote, *in manner aforesaid*, in the room of those then dead, removed, or avoided (1)

The surviving Directors may assemble the Members to elect other Directors in room of any deceased, removed, or avoided.

(1) [The time of election has since been restricted to a particular day (17 Geo. 3, cap. 8, sec. 1), the time of holding office extended (13 Geo. 3, cap. 63, sec. 1), the qualification of voters raised (13 Geo. 3, cap. 63, sec. 3), and the number of votes enjoyed by each varied (13 Geo. 3, cap. 63, sec. 4).

The Charter, after prescribing a certain form of oath no longer in use, adds:

Provided also, that such person or persons as shall be deputed as aforesaid, to vote for any particular Corporation, or body politic, making the like oath or declaration *(mutatis mutandis)*, to the best of his or their knowledge and belief, for or on the behalf of such particular Corporation or body politic for whom he or they are to give such voice or voices as aforesaid, shall be capable of voting at any of such general courts as aforesaid.

Deputy of a Corporation to make the like oath to the best of their knowledge.

And we do by these presents, for us, our heirs and successors, give full power and authority, to any two or more of the Directors of the same Company, for the time being, to give and administer the said oaths and declarations to the said members and deputies, and do hereby order and direct them to administer the same accordingly: Provided also, and we do hereby, for us, our heirs, and successors, constitute, ordain, and appoint, that no person shall be capable of being chosen a Director of the said Company, who shall not, at the time of such choice, be a natural-born subject of England, or naturalized, and shall not also then have in his own name, or in his own right, and for his own use, two thousand pounds or more in the said stock; and that no Director or Directors shall continue in his or their respective offices, longer than the continuance of such their respective interests and stocks, in their own names and rights, and to their own uses respectively; but upon parting with, or reducing his or their respective shares or interest in the said stock, to any lesser sum or sums than as aforesaid, the said respective offices or places of such Director or Directors, so parting with, reducing, or diminishing their said shares or interest, as aforesaid, shall cease, determine, and become vacant, and others shall be chosen in their room, by a General Court of the same Company.

Two Directors empowered to administer the oath.

No person to be a Director but who hath £2000 stock in his own right.

nor to continue longer than he keeps the same.

Some regulations respecting the oath to be taken by Directors, which follow in the Charter, are here omitted, having been superseded by the 33d Geo. III. cap. 52.

Directors to give an oath to their agents and servants.

And furthermore our will and pleasure is, and we do hereby for us, our heirs and successors, ordain and appoint, that the said Court of Directors shall have power and authority to administer an oath to all the inferior agents or servants that shall be employed in the service of the same Company, for the faithful and due execution of the several places and trusts in them reposed, in the words or to the effect following (that is to say):

"I, A. B. being elected into the office or place of Treasurer to the *English Company* "*trading to the East Indies*, do swear, that I will be true and faithful to the said Company, "and will faithfully and truly execute and discharge the said office or place of Treasurer to "the utmost of my skill and power. So help me God."

A Director not qualified in ten days, the place to be void.

And the like oath to the other agents and servants *(mutatis mutandis)*: and in case any person hereby nominated, or hereafter to be elected a Director as aforesaid, shall for the space of ten days after such nomination or election neglect or refuse to take the respective oath or declaration hereby appointed to be taken as aforesaid, or shall refuse or neglect to take upon him his or their offices, that then, and in every such case, the office and place of every such person so neglecting or refusing shall become vacant, and others shall be chosen in their places by a General Court of the said Company.

Four General Courts to be held in a year.

And we do hereby will and appoint, that the said Directors, or the major part of them for the time being, shall from time to time, and they are hereby required so to do, to summon and appoint four General Courts at least in every year, whereof one to be in the month of December, another in the month of March, another in the month of June, and another in the month of September.

In failure thereof, three Directors may summon.

And we do further will and appoint, that if at any time or times there should be a failure of holding a General Court in any of the said months, by default of the Directors, or the major part of them, that then and so often, and in every such case, three or more of the Directors of the said Company shall and may summon and call a General Court, which shall meet and be holden in the month next coming after the month in which the same should have been holden upon the summons of the majority of the Directors aforesaid.

A General Court to be summoned on the demand of nine members, within ten days:

and in default, the said nine members may summon,

And moreover, we do by these presents, will, direct, and appoint, that the said Directors, or the major part of them for the time being, shall from time to time, upon demand to be made by any nine or more of the said members, having each of them five hundred pounds, or more interest or share of the said stock, within ten days after such demand, summon and call such General Courts to he held of the members of the same Company qualified for electors as aforesaid; and in default of the said Directors, or the major part of them, to summon and call such Court, it shall and may be lawful to and for the said nine or more members, having each five hundred pounds stock as aforesaid, upon ten days' notice in writing, to be fixed upon the Royal Exchange in London, to summon and hold a General Court, and there to do and dispatch any business relating to the government or affairs of the said Company, and to hear and debate any complaint that shall be made against any Director or Directors for mismanagement in his or their office or offices; and if such Director or Directors shall not clear him

or themselves of such complaint to the satisfaction of the major part of the members of the same Company in the said General Court assembled, that then within ten days another General Court shall be called, and held as aforesaid, of the members of the same Company, qualified to vote as aforesaid, finally to determine the same by the majority of their votes as aforesaid, who may remove or displace all or any of the said Directors for such misdemeanors or abuse of their offices, and elect and choose others in his or their room in manner before prescribed; and in every such case where any Director or Directors shall happen to die or be removed, or his office shall otherwise become void before the expiration of the term for which he shall have been elected, the major part of the members of the same Company to be assembled in a General Court, and being qualified *as aforesaid*, shall and may elect and choose any other member or members of the said Company, qualified as aforesaid, into the office of such Director or Directors that shall so die or be removed, or whose office shall become void; which person so to be chosen shall continue in the said office until the next usual time hereby appointed for election, and until others shall be duly chosen and sworn, unless he shall be removed as aforesaid.

and may displace any Director for mismanagement.

And, for the better ordering and managing of the affairs of the same Company, we do by these presents, for us, our heirs and successors, grant, and we do by these presents will, authorize, and appoint, that the said Directors for the time being, or any thirteen or more of them, shall and may from time to time, and at all convenient times, assemble and meet together at any convenient place or places for the direction and management of the affairs and business of the same Company, and then and there to hold Courts of the Directors, for the purpose aforesaid, and summon General Courts to meet as often as they shall see cause; and that the said Directors, or the major part of them so assembled, shall and may act according to such by-laws, constitutions, orders, rules, or directions, as shall from time to time be made and given unto them by the General Court of the said Company; and in all cases where such by-laws, constitutions, orders, rules, or directions, by or from the General Court shall be wanting, the said Directors, or the major part of them so assembled, shall and may direct and manage all the affairs and business of the same Company, *in the direction of all the voyages of or for the same Company, and the provision of the shipping and merchandizes thereunto belonging, as also the sale of the merchandizes, goods, and other things returned in all or any the voyages or ships of or for the same Company*, and in the transacting and handling of all other matters and things touching and concerning the same Company; and shall and may chuse and appoint the agents or servants which shall from time to time be necessary to be employed therein, and to allow and pay reasonable salaries and allowances to the said agents and servants respectively; and them, or any of them, from time to time to remove or displace as they shall see cause; and generally to act and do in all matters and things whatsoever, which by the said recited Act of Parliament shall or may be done, and in all matters and things whatsoever which they shall judge necessary for the well ordering and managing of the same Company and the affairs thereof; and to do, enjoy, perform, and execute all the powers, authorities, privileges, acts, and things in relation to the said Company, as fully, to all intents and purposes, as if the same were done by the whole Company, or by a General Court of the same; subject nevertheless to such restrictions, limitations, rules, or appointments as are contained in the said recited Act of Parliament, or in these presents in that behalf.

The Directors, or any thirteen, may hold Courts, &c. and shall act according to the by-laws, and where they are wanting, shall do all the business of the Company,

as they shall judge necessary.

And we do hereby for us, our heirs and successors, grant to the said English Company trading to the East-Indies, that all and every the said members qualified for electors as aforesaid shall have full power, and they are hereby authorized in the General Courts or Assemblies aforesaid, by majority of their votes *as aforesaid*, to make and constitute reasonable by-laws,

The General Court to make by-laws, for calling in money, making dividends,

constitutions, orders, and ordinances from time to time, *as well for raising, and calling in and payment of monies for an additional joint stock, for the better carrying on and managing the said trade, and for the applying and proportioning the profit, advantage, and produce arising by the joint stock and trade, as for the good government of the said trade to the East-Indies, and other the parts aforesaid, and of the factors, agents, officers, and others concerned in the same;* and to inflict reasonable penalties and punishments, by imprisonments, mulcts, fines, or amerciaments for any breach or breaches thereof; and to levy such fines, mulcts, or amerciaments to the use of the said Company and their successors, so that such by-laws be not repugnant to the laws of this our kingdom, and be confirmed and approved according to the Statutes in such cases made and provided; all which mulcts, fines, and amerciaments shall and may be recovered and received, to the only use and behoof of the said Company and their successors, without any account, or other matter or thing, to be therefore rendered to us, our heirs or successors.

and government of the Company.

A provision which succeeds fixing the time for holding the first General Court under the Charter is here omittted.

Books of account of the principal and additional stock to be kept by an accountant, and to be by him attested on oath if required.

Provided always, and for the ascertaining and limiting how and in what manner, and under what rules, as well the principal stock or yearly fund as also any additional stock which the said Company shall acquire, or which any member or members thereof shall or may advance or pay into the said Company, *for the managing or carrying on the said trade*, or the shares or interests of the several members of and in the principal and additional stock, shall and may be assignable and assigned, transferable and transferred, by such person and persons, Corporation or Corporations, as shall from time to time have any interest or share in the same; we do hereby direct and appoint, that the same Company and their successors shall cause an accomptant to keep a book or books in the public office or place of meeting of the same Company, to be provided for that purpose, and therein fairly to enter or cause to be entered from time to time the amount as well of the principal joint stock of the same Company, as of such additional stock (if any be) as aforesaid; the same to be by him attested upon oath, if required, which said book or books shall from time to time lie open to be viewed.

Method of making transfers.

And we do hereby for us, our heirs and successors, pursuant and according to the power given unto us by the said Act of Parliament, order, limit, direct, and appoint, that the method and manner of making all assignments and transfers, as well of the said principal stock and fund as of the additional stock of the same Company, or any part thereof, shall be by an entry in the said book or books, signed by the party so assigning or transferring, in the words or to the effect following, viz.

By the person present.

"MEMORANDUM, That I *A. B.* this day of in the year of our Lord
" do assign and transfer of my
" interest or share (or being my share or interest) in the principal stock, and
" in the additional stock and fund of *The English Company trading to the East-Indies*, and
" all benefit arising thereby unto his executors, administrators, and assigns.'
" Witness my hand

By letter of attorney.

Or in case the person assigning be not personally present, then by an entry in the said book or books signed by some person thereunto lawfully authorized, by letter of attorney or writing.

duly sealed and attested by two or more witnesses in the words or to the effect following, *viz.*

" MEMORANDUM, That I *A. B.* this day of in the year of our Lord
" by virtue of a letter of attorney from dated the
" day of in the said year do in the name and on the behalf of
" assign and transfer of the interest or share (or
" being the share or interest) of the said in the principal stock and fund,
" and in the additional stock of *The English Company trading to the East-*
" *Indies*, and all benefit arising thereby unto his executors, administrators,
" and assigns.
" Witness my hand

And that the entry signed as aforesaid, and no other way or method, shall be the manner and method used in the passing, assigning, or transferring the interest or share in the said stock and fund, and such transfer or assignment shall be good and available, and convey the whole estate and interest of the party transferring or ordering the same to be transferred. and by no other way.

Provided always, That any person having any share or interest in the said stock and fund, may dispose or devise the same by his last will and testament, attested by three or more credible witnesses; but, however, that such devisee shall not transfer the same, or be entitled to receive any dividend, until an entry or memorandum of so much of the said will as relates to the said stock and fund to be made in the said book or books, to be kept by the said Company for that purpose. Stock may be devised by will, but the devisee not to receive or transfer till a memorandum be entered, &c.

And we do hereby will and appoint, That in all cases where there shall be an equality or equal number of votes in any general court, or in any Court of Directors, to be holden as aforesaid, the matter shall be determined by lots, which the treasurer for the said Company shall cause to be prepared and drawn for that purpose.(1) In case of equality of votes the matter to be decided by lot.

(1) [Restricted by 53 Geo. 3, cap. 155, sec. 77, to cases of elections to office or place where there shall be more than one candidate.]

Provided nevertheless, That all matters and things which the said Directors, or the major part of them, shall in manner as aforesaid, order and direct to be done by sub-committees, or other persons appointed under them, shall and may, by virtue of such orders, be done by the said sub-committees, or other persons so appointed. Business may be done by sub-committees.

Some commercial regulations follow, which are not here inserted.

And we do, of our more especial grace, certain knowledge and mere motion, for us, our heirs and successors, give and grant unto the said *English Company trading to the East-Indies*, that the said Company, for the time being, shall and may have the ordering, rule, and government of all such forts, factories, and plantations, as shall be, at any time hereafter, settled by or under the said *English Company*, within the East-Indies, and parts beforementioned, and shall and may name and appoint governors, and officers, from time to time, in and for the said forts, factories, and plantations, and them to remove and displace at their will and pleasure; and that such governors, and officers, shall and may, according to the directions of the same Company, raise, train, and muster such military forces as shall or may be necessary for the defence of the said forts, places, and plantations respectively; the The Company to have the government of all their forts, &c. and to appoint governors and other officers: and may raise forces to defend the said forts, &c.

The sovereign right reserved.

sovereign right, power, and dominion, over all the said forts, places, and plantations, to us, our heirs, and successors, being always reserved.(1)

(1) [Regulated by various Acts of Parliament, especially 33 Geo. 3, cap. 52, sec. 9; 53 Geo. 3, cap. 155, sec. 80, 81; 3 & 4 Wm. 4, cap. 85, sec. 25, 42, 58.]

After some directions, no longer in force, for the establishment of Courts of Judicature, the Charter proceeds.

All admirals, &c. to be assisting.

And further, we do hereby, for us, our heirs and successors, charge and command, all and singular admirals, vice-admirals, generals, commanders, commissioners of our customs, mayors, sheriffs, justices of the peace, comptrollers, waiters, searchers, and other officers, and ministers, of us, our heirs and successors whatsover, to be, from time to time, in all things, aiding, helping, and assisting, unto the same Company, and their successors, or any employed by them, upon request made, as they tender our displeasure.

This Charter to be construed in the most beneficial sense for the Company.

And we do, for us, our heirs and successors, grant and declare, that these our letters patents, or the enrolment thereof, shall be in and by all things valid and effectual in the law according to the true intent and meaning of the same, and shall be taken, construed, and adjudged in the most favourable and beneficial sense, for the best advantage of the said Company, as well in our Courts of Record as elsewhere, notwithstanding any non-recital, mis-recital, defect, uncertainty, or imperfection, in these our letters patents.

The Charter is ordered to be passed without fine or fee, and concludes thus:

Will grant any further lawful powers and privileges upon request.

And we do hereby, for us, our heirs and successors, covenant, grant, and agree, to and with the said Company, and their successors, that we, our heirs and successors, shall and will, from time to time, and at all times hereafter, upon the humble suit and request of the said Company and their successors, give and grant, unto them, all such further and other powers, privileges, authorities, matters and things, which we, or they, can or may lawfully grant, and as shall be reasonably advised, and devised, by the council learned of the same Company, and their successors, for the time being, and shall be approved by our attorney, or solicitor-general, on our behalf. In witness whereof, we have caused these our letters to be made patents. Witness Thomas, Archbishop of Canterbury, and the rest of the keepers and justices of the kingdom, at Westminster, the fifth day of September, in the tenth year of our reign.

On the 22d July 1702, an Indenture Tripartite was made between Queen Anne of the first part; the old Company of the second part; and the new Company of the third part. The object of this was the union of the two Companies at the end of seven years. Several of the covenants are of temporary interest, and the greater part of them relate to trade. By the seventeenth article, the Queen grants that the General Courts of both Companies and their Sub-managers shall have the sole government of their forts; that they may coin foreign money

in India; and that the old Company may convey Bombay and Saint Helena to the new Company. By other articles the old Company covenant to surrender their Charters, in two months after the expiration of the said seven years, into the Queen's hand, and the Queen engages to accept of such surrender; and from thenceforth the new Company is to be called *The United Company of Merchants of England trading to the East-Indies:* whose affairs shall be conducted by their own sole Directors, agreeable to their Charter of the tenth of King William the Third. And lastly, the Queen declares that this Indenture shall be construed in the most favourable sense for the advantage of both Companies.

By Indenture Quinquepartite, dated 22d July 1702, made between various parties, the Old Company conveyed to the New Company all their forts, settlements, and dead stock of every description.

By Deed Poll, dated 29th September 1708, under the hand and seal of the Lord High Treasurer the Earl of Godolphin, made in pursuance of an Act of the sixth year of Queen Anne, stating, that the two Companies being desirous that a speedy and complete union might be had and perfected, pursuant to the before-mentioned Indenture Tripartite, had agreed to refer all matters in dispute concerning the same, and the completing the said union, unto the final determination of the said Earl, the Earl, having thereupon heard both parties, made an award by virtue of which the union was completed.

And by Deed Poll enrolled in Chancery, dated 22d March 1709, the old Company, in pursuance of Lord Godolphin's award, and for the entire extinguishment of their corporate capacity, granted, surrendered, yielded, and gave up to the Queen, her heirs and successors, their corporate capacity, or body politic, of Governor and Company of Merchants of London trading into the East-Indies, and all their Charters, capacities, powers, and rights whatever, for acting as or continuing to be a body politic or corporate, by virtue of any Acts of Paliament, Letters Patent, or Charters whatever.

By 3 & 4 Wm. 4, cap. 85, sec. 3, it is enacted, that in all suits, proceedings, and transactions whatsoever, the Company may be called "The East-India Company."

# STATUTES.

## 9 & 10 GULIELMI III. Cap. XLIV.

AN ACT *for raising a sum not exceeding two millions, upon a Fund for payment of Annuities, after the rate of eight pounds per centum per annum, and for settling the Trade to the East-Indies.*

Persons entitled to particular shares in the principal Stock of "The General Society entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England," may be incorporated into a Company, to trade with a joint stock, &c., by such proper name as his Majesty shall think fit.

LXII. And be it further enacted by the authority aforesaid, that if the said whole sum of two millions, or one moiety, or any greater part thereof, shall be subscribed on or before the said nine-and-twentieth day of September, one thousand six hundred and ninety-eight, and all or any corporations, or other person or persons, having particular shares or interest in the principal stock of the said general society, or in proportionable annuities or yearly payments issuing out of the said yearly fund, shall be willing and desirous to unite or join together such their several shares and interests, and to be incorporated so as they may be able to manage their trade (in proportion to their interests) as a Company, and by a joint stock, that then it shall or may be lawful to and for his Majesty, by Letters Patents under the Great Seal of England, to incorporate all such persons and corporations by such proper name as his Majesty, his heirs, or successors, shall think fit, to be one Company, with power to manage and carry on their trade to the East-Indies, and other the limits aforesaid, by a joint stock, and to have a perpetual succession, and a common seal, and with power to grant and take, sue and be sued, and to choose their own managers or directors, and officers, from time to time, and such other powers and clauses, as shall be necessary or requisite for the carrying on of such trade, and shall be reasonable for his Majesty to grant; nevertheless such Company, so to be created with power to trade with a joint stock, as aforesaid, shall be restrained to such proportion of the trade in the whole, as all the particular members thereof would have been entitled to at the rate before mentioned, in case such new Company were not made; and the Directors or Managers, and other members of the same, shall be subject to such further rules, qualifications, and appointments, as his Majesty in their Charter shall think necessary or reasonable to be inserted.(1)

(1) [Although the commercial character of the Company is in abeyance, it has been deemed necessary to insert this Section to elucidate the Charter of William III.]

Stocks esteemed personal estates.

LXXI. And be it further enacted by the authority aforesaid, that the estates, interests, and stocks of money of the several Corporations to be created or established in pursuance of this Act, and of each and every particular member thereof, shall be and be adjudged, taken, and accepted, in construction of law, by all judges, and in courts of law and justice, and in all courts and places whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, or entitled thereunto, and not to the heirs of such person or persons; any law, statute, usage, or custom, to the contrary notwithstanding.

LXXIV. And be it enacted, that no member of any society or company to be erected in pursuance of this Act shall, in respect of his stock therein only, be or be adjudged liable to be a bankrupt, within the intent and meaning of all or any the statutes made against or concerning bankrupts; and that no stock in such society or company shall be subject or liable to any foreign attachment by the custom of the city of London, or otherwise.

No member, in respect of his stock only, shall be adjudged a bankrupt. Stock not liable to foreign attachment.

Section 79 provides for the cessation of the Corporations created under this Act, and of the benefit of trade thereby given, on three years' notice after 29th September 1711. By the 6th Annæ, cap. 17, sec. 9, three years' notice after 25th March 1726, was substituted. The 10th Annæ, cap. 28, continues to the Company its trade, franchises, privileges, and profits, and fixes the period of redemption of the debt due from the state at the expiration of three years' notice after 25th March 1733. By 3 Geo. 2, cap. 14, sec. 11, the exclusive trade was continued till the end of three years' notice after 25th March 1736; and section 12 provides for the continuance of the Corporation. The 17th Geo. 2, cap. 17, sec. 13, makes the exclusive trade determinable on three years' notice after 25th March 1780, and section 14 provides for the continuance of the Corporation and common right to trade. By 7 Geo. 3, cap. 57, sec. 2, the territorial acquisitions and revenues then recently obtained, were to remain under the Company till the 1st Feb. 1769. By 9 Geo. 3, cap. 24, sec. 1, the period was extended to 1st Feb. 1774. It was further extended by 13 Geo. 3, cap. 64, till certain advances of money were repaid; and this having been effected, it was continued by 19 Geo. 3, cap. 61, sec. 1, till 5th April 1780; and by 20 Geo. 3, cap. 56, sec. 1, to the 5th April 1781. By 21st Geo. 3, cap. 65, sec. 3, 4, 5, and 8, the exclusive trade and the territorial possessions were secured to the Company till three years' notice after 1st March 1791; and sec. 6 reserves the rights of the corporate body, and of continuing to trade on joint stock. The 33d Geo. 3, cap 52, renewed the Company's trade and government till three years after 1st March 1811 (sec. 73); section 74 reserving the Corporation, &c. The 53d Geo. 3, cap. 155, sec. 1 to 3, continued the Government and exclusive trade with China for a period expiring on three years' notice after 10th April 1831; but by section 6, opened that with India: section 4 provides for the continuance of the Corporation and right to trade. The 3 & 4 Wm. 4, cap. 85, renewed the term of the Company's Government, but suspended their trade, except so far as it might be carried on for the purposes of Government.

## 11 & 12 GULIELMI III. Cap. XII.

*AN ACT to punish Governors of Plantations in this Kingdom, for Crimes by them committed in the Plantations.*

Whereas a due punishment is not provided for several crimes and offences committed out of this his Majesty's realm of England, whereof divers Governors, Lieutenant-governors, Deputy-governors, or Commanders-in-chief of plantations and colonies within his Majesty's dominions beyond the seas, have taken advantage, and have not been deterred from oppressing his Majesty's subjects within their respective governments and commands, nor from committing several other great crimes and offences, not deeming themselves punishable for the same here, nor accountable for such their crimes and offences to any person within their respective governments and commands: for remedy whereof, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in Parliament assembled, and by the authority of the same, that if any Governor, Lieutenant-governor, Deputy-governor, or Commander-in-chief of any plantation or colony within his Majesty's dominions beyond the seas, shall after the first day of August one thousand seven hundred, be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective governments or commands, or shall be guilty of any other crime or offence, contrary to the laws of this realm, or in force within their respective governments or commands, such oppressions, crimes, and offences, shall be inquired of, heard and determined in his Majesty's Court of King's Bench here in England, or before such commissioners, and in such county of this realm, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county, and that such punishment shall be inflicted on such offenders, as are usually inflicted for offences of like nature committed here in England.

Governors, &c. of any colony, &c. beyond the sea guilty of oppression, &c.

[redacted]e tried in England.

---

## 9 ANNÆ. Cap. VII.

*AN ACT to disable any Person to be Governor, Deputy-governor, or Director of the Bank of England, and a Director of the East-India Company, at the same time.*

None may be Governor, Deputy-governor, or Director of the Bank and East-India Company, at the same time.

XI. And be it enacted by the authority aforesaid, that in all future elections of Governor, Deputy-governor, or Directors of the respective Corporations of the Bank of England, and of the United Company of Merchants of England trading to the East-Indies, all and every person or persons who shall be elected Governor, Deputy-governor, or Director of the Bank of England, shall, during the year for which he or they shall be elected, be incapable of being chosen Director or Directors for the management of the affairs of the said United Company; and all and every person or persons, who shall be elected a Director or Directors of the said United Company, shall, during the year for which he or they shall be so elected, be incapable of being chosen a Governor, or Deputy-governor, or Director or Directors of the Bank of England.

☞ The 9 Ann, cap. 21, sec. 61, prohibits any person being at the same time a Director of the East-India Company and of the South Sea Company.

## 7 GEORGII. Cap. V.

AN ACT *to enable the South Sea Company to ingraft Part of their capital Stock and Fund into the Stock and Fund of the Bank of England, and another part thereof into the Stock and Fund of the East-India Company; and for giving further Time for Payments to be made by the South Sea Company, to the use of the public.*

XXXIII. And it is hereby provided and enacted by the authority aforesaid, * *

* * * * * * * * * *

East-India Company may not discount bills or keep cash for others.

That it shall not be lawful for the said United Company of Merchants of England trading to the East-Indies, or their successors, to discount any bills of exchange, or other bills or notes whatsoever, or to keep any books or cash of or for any person or persons, bodies politic or corporate whatsoever, other than only the proper monies and cash of the same United Company; any thing in this Act contained to the contrary notwithstanding.

---

ROYAL ASIATIC SOCIETY LIBRARY OF THE BOMBAY BRANCH OF THE

## 7 GEORGII. Cap. XXI.

AN ACT *for the further preventing his Majesty's Subjects from trading to the East-Indies, under foreign Commissions; and for encouraging and further securing the lawful Trade thereto; and for further regulating the Pilots of Dover, Deal, and the Isle of Thanet.*

Company may ship out stores of war duty free, such duty not exceeding £300 in one year.

XIII. And be it further enacted by the authority aforesaid, that the said United Company shall for the future be allowed to ship out stores, provisions, utensils of war, and necessaries for maintaining their garrisons and settlements, free of all duties, so as such duties, if they had been to be paid, would not have exceeded, or do not exceed, in any one year, the sum of three hundred pounds.

---

## 2 GEORGII II. Cap. XXV.

AN ACT *for the more effectual preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.*

Penalty for perjury and subornation.

II. And, the more effectually to deter persons from committing wilful and corrupt perjury, or subornation of perjury, be it further enacted by the authority aforesaid, that, besides the punishment already to be inflicted by law for so great crimes, it shall and may be lawful for the Court, or Judge, before whom any person shall be convicted of wilful and corrupt perjury,

or subornation of perjury, according to the laws now in being, to order such person to be sent to some house of correction within the same county, for a time not exceeding seven years, there to be kept to hard labour during all the said time, or otherwise, to be transported to some of his Majesty's plantations beyond the seas, for a term not exceeding seven years, as the Court shall think most proper; and thereupon judgment shall be given, that the person convicted shall be committed or transported accordingly, over and beside such punishment as shall be adjudged to be inflicted on such person, agreeable to the laws now in being; and if transportation be directed, the same shall be executed in such manner as is or shall be provided by law for the transportation of felons; and if any person so committed or transported shall voluntarily escape, or break prison, or return from transportation, before the expiration of the time for which he shall be ordered to be transported as aforesaid; such person being thereof lawfully convicted, shall suffer death as a felon, without benefit of clergy, and shall be tried for such felony in the county where he so escaped, or where he shall be apprehended.

---

## 3 GEORGII II. Cap. XIV.

### An Act *for reducing the Annuity or Fund of the United East-India Company, and for ascertaining their Right of Trade to the East-Indies, and the Continuance of their Corporation for that purpose, upon the terms therein-mentioned.*

After redemption, members of the Company to continue a body politic.

VII. But nevertheless, and notwithstanding such redemption, be it further enacted by the authority aforesaid, that all and every person and persons, who now are, or shall at the time of such redemption be entitled unto, or who now have, or shall have any part, share, or interest of, in, or to the said three millions two hundred thousand pounds, or of, in, or to a proportionable part, share or interest in the said additional stock, stock in trade, or money paid for carrying on the same, or in the said forts, factories, settlements, lands, tenements, rights, hereditaments, possesssions, estate or estates, of or belonging to the said United Company of Merchants of England trading to the East-Indies, or unto which they are, shall, or may be entitled; and all and every person and persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, or by any other lawful way or title derived, or to be derived, from, by, or under them, shall have, or be entitled to have, any part, share, or interest, of, in or to the same, or of, in, or to any future or other additional stock, stock in trade, monies, possessions, rights, hereditaments, or estates, of or belonging to, or that shall or may be acquired, gained or obtained by the said United Company, or their successors, so long as they shall respectively have, or be entitled to have, any such share, part or interest, shall be, and continue to be, a body politic and corporate, in deed and in name, by the name of The United Company of Merchants of England trading to the East-Indies, and by that name shall have perpetual succession, and a common seal; and they and their successors, by the name aforesaid, shall be able and capable in the law to have, purchase, receive, enjoy, possess and retain to them and their successors, lands, rents, tenements and hereditaments, of what kind, nature, or quality soever, and also to sell, grant, demise, aliene, or dispose of the same; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all or any courts of record, or any other place whatsoever, and to do and execute all and singular other matters and things, by the name aforesaid, that to them shall or may appertain to do, and shall have, hold and enjoy all benefits, privileges, franchises, and rights, which by any former Act or Acts, or any Charter or Charters founded thereupon, the said

United Company of Merchants of England trading to the East-Indies, might hold and enjoy, which are not herein or hereby altered or varied; and all and every person and persons, having at the time of such redemption of the said yearly fund of one hundred and twenty-eight thousand pounds, any part, share, or interest, of, in, or to the said principal stock of three millions two hundred thousand pounds, and of, in, or to the said additional stock, stock in trade, and monies paid in for carrying on the same, and of, in, and to other the possessions, rights, estates, and hereditaments aforesaid, acquired or purchased by, or any ways belonging or appertaining to the said United Company of Merchants of England trading to the East-Indies; and all persons, bodies politic and corporate, that shall or may at any time after derive from them any right or title to such monies paid in, stocks, possessions, rights, hereditaments and estates, notwithstanding such redemption, shall have, and continue to have, and be entitled unto the same, and unto all future and other the stocks, monies, possessions, rights, hereditaments, and estates, to be acquired, gained, belonging, or to belong to the said United Company, and their successors, and to all benefits, profits, privileges and advantages, arising or to arise therefrom, in proportion to their respective parts, shares, and interests therein; and the said parts, shares, and interests of such persons, of and in the same, shall and may be assigned and assignable, transferred and transferable, in such or the like manner, *mutatis mutandis*, as their respective parts, shares or interests of and in the said principal stock of three millions two hundred thousand pounds, and the additional stock thereto, or either of them, are now assignable or transferable, or may be assigned or transferred.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 111, the name of the Company is changed to that of The East-India Company.]

To enjoy all privileges granted by Acts or Charters.

X. And moreover it is hereby enacted by the authority aforesaid, that the said United Company of Merchants of England trading to the East-Indies, shall at all times hereafter for ever (subject as aforesaid) have, hold, and enjoy, and be entitled unto, all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties, and forfeitures, and disabilities, provisions, matters and things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared to, for, touching, or concerning the said Company or body politic and corporate, either by the name of The General Society entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England, or the said body politic and corporate, called by the name of The English Company trading to the East-Indies, or the said body politic and corporate now called by the name of The United Company of Merchants of England trading to the East-Indies, and not by this Act altered, or intended to be altered, according to the tenor and true meaning of the said Acts and Charters, freed and discharged from all provisoes and conditions of redemption and determination therein contained, and the same and every of them are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised and put in execution by the said United Company of Merchants of England trading to the East-Indies, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the East-Indies, and parts aforesaid, and for the preventing all his Majesty's subjects trading thither, and for securing also their possessions, estates, and effects, and governing their affairs and business in all respects, as fully and effectually, as if the same

profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties and forfeitures, disabilities, provisions, matters, and things, were severally repeated, and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants and agreements, as are contained in the said Acts and Letters Patent now in force, and not herein or hereby varied or altered, and subject also to the proviso following; that is to say,

The Proviso which forms section 11, reserves the power of terminating the Company's exclusive trade on three years' notice after 25th of March 1736. The succeeding section reserving the rights of the Corporation is here retained.

Corporation to continue.

9 W. 3, c. 44.

XII. Provided always, and it is hereby further enacted by the authority aforesaid, that nothing in the above proviso, or in any proviso in the Act of the ninth year of the reign of his said Majesty King William the Third, or in the said Charter of the fifth day of September, in the tenth year of his said Majesty, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the corporation of the said United Company of Merchants of England trading to the East-Indies, or to hinder, prevent, or exclude, the said United Company from carrying on at all times after such determination of the right to the sole, whole, and exclusive trade, as aforesaid, a free trade, in, to, and from the East-Indies, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate and effects, in common with other the subjects of his Majesty, his heirs and successors, trading in, to, and from those parts.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 3 and 4, for suspension of Company's trade.]

Company not to purchase lands, &c. exceeding £10,000 per annum.

XIV. Provided always, and be it hereby further enacted by the authority aforesaid, that the said United Company shall be, and are hereby restrained and enjoined from buying, purchasing, enjoying, or possessing, at any one time, any messuages, lands, rents, tenements, or hereditaments, of what nature, kind, or quality soever, in the kingdom of Great Britain, exceeding in the whole the yearly value of ten thousand pounds; any thing herein, or in any former Act, or in any Charter granted to the said Company, in anywise notwithstanding.

By subsequent Acts the Company were empowered to purchase lands and erect warehouses to a large extent. Since the suspension of the Company's trade, the whole of the property thus acquired has been disposed of, and the Acts, or parts of Acts, relating to it will, consequently, not appear in this collection.

## 17 GEORGII II. Cap. XVII.

AN ACT *for granting to his Majesty the Surplus or Remainder of the Monies arisen, or to arise, by the Duties on Spirituous Liquors, granted by an Act of the last Session of Parliament; and for explaining and amending the said Act in Relation to the Retailers of such Liquors; and for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies.*

East-India Company to have the benefit of all Acts and Charters made in their favour;

XII. And moreover it is hereby enacted by the authority aforesaid, that the said United Company of Merchants of England trading to the East-Indies, shall at all times hereafter for ever (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching or concerning the said Company, or body politic and corporate, either by the name of "The General Society, entitled to the Advantages given by an Act of Parliament for advancing a Sum not exceeding two millions for the Service of the Crown of England;" or the said body politic and corporate, called by the name of "The English Company trading to the East-Indies;" or the said body politic and corporate, now called by the name of "The United Company of Merchants of England trading to the East-Indies;" and not by this Act altered, or intended to be altered, according to the tenor and true meaning of the said Acts and Charters, freed and discharged from all provisoes and conditions of redemption and determination therein contained; and the same and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in execution by the said United Company of Merchants of England trading to the East-Indies, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the East-Indies, and parts aforesaid; and for the preventing all other his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business in all respects, as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters and things, were severally repeated, and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said Acts and Letters Patent now in force, and not herein or hereby varied or altered, and subject also to the proviso following.

and not altered by this Act.

The proviso extends the Company's right to the exclusive trade to a period terminable by three years' notice after 25th March 1780; the following section reserves their common rights.

Corporation to have a common right of trade with others, after their exclusive right is determined.

XIV. Provided always, and it is hereby further enacted, that nothing in the above proviso, or in any proviso in the said Act of the ninth year of the reign of his said late Majesty King William the Third, or in the said Charter of the fifth day of September, in the tenth year of his said late Majesty's reign, or in any other Act or Charter contained, shall extend, or be

construed to extend, to determine the Corporation of the said United Company of Merchants of England trading to the East-Indies, or to hinder, prevent, or exclude, the said United Company from carrying on, at all times after such determination of the right to the sole, whole, and exclusive trade as aforesaid, a free trade in, to, and from the East-Indies, and parts aforesaid, with all or any part of their own joint stock in trade, goods, merchandizes, estate, and effects, in common with other the subjects of his Majesty, his heirs and successors, trading in, to, or from those parts. (1)

(1) [*Vide* 3 & 4 Wm. 4, c. 85.]

## 7 GEORGII III. Cap. XLIX.

### An Act *for regulating certain Proceedings of the General Courts of the United Company of Merchants of England trading to the East-Indies.*

No balloting upon any question to take place sooner than eight hours after breaking up of the Court; and to be begun not later than twelve at noon, nor closed before six P.M.

III. And be it further enacted by the authority aforesaid, that no balloting upon any question proposed in any General Court of the said Company, relative either to the declaration of a dividend, or to any other matter whatsoever, shall be begun within a less space of time than eight hours after adjournment (1), or breaking up, of the General Court in which it shall have been determined that such question should be decided by balloting; and that in no case the balloting shall be began at a later hour of the day than twelve of the clock at noon, nor closed at an earlier hour than six of the clock in the afternoon.

(1) [By 10 Geo. 3, cap. 47, sec. 3, which follows, no ballot can take place in less than twenty-four hours after adjournment.]

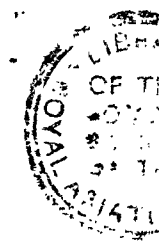
## 10 GEORGII III. Cap. XLVII.

### An Act *for better regulating Persons employed in the Service of the East-India Company, and for other Purposes therein mentioned.*

Act 7 Geo. 3, c. 49.

III. And whereas, by one other Act of Parliament passed in the seventh year of the reign of his present Majesty, intituled "An Act for regulating certain Proceedings of the General Courts of the United Company of Merchants of England trading to the East-Indies," it was enacted, that no dividend should be made by the said Company, for or in respect of any time subsequent to the twenty-fourth day of June, one thousand seven hundred and sixty-seven, otherwise than in pursuance of a vote or resolution, passed by way of balloting, in a General Court of the said Company, which shall have been summoned for the purpose of declaring a dividend, and of the meeting of which General Court for such purpose, seven days' notice at least shall have been given in writing, fixed upon the Royal Exchange in London; and it was thereby further enacted, that no balloting upon any question proposed in any General Court of the said Company, relative to any matter whatsoever, should be begun within a less space of time than eight hours after the adjournment or breaking up of the General Court in which it should have been determined that such question should be decided by balloting: and whereas the balloting for every dividend of the said Company, as prescribed by the last recited Act, would be attended with much inconvenience and delay, in cases where no alteration in the rate of the said Company's dividend is made or intended to be made: and whereas the time or space of eight hours thereby also prescribed for taking such balloting in question, and not relative to the declaration of a dividend, is not sufficient to give the proprietors at large of the said Company's stock a full and fair opportunity to

exercise their right of taking such part in every such determination as they are entitled to by law; therefore, for preventing the aforesaid inconveniences for the future, be it enacted by the authority aforesaid, that from and after the passing of this Act, when any half-yearly or other dividend of the said Company shall be voted and declared by a General Court of Proprietors, not varying or differing from the rate of the said Company's dividend for the last preceding half-year, that then and in every such case it shall not be necessary for the said General Court of the said Company to proceed to a ballot respecting such dividends; but that a declaration from the Chairman for the time being of the said Company of the voting and agreeing of the General Court of Proprietors to such dividend, shall be a sufficient notice and authority for declaring and making such dividend; and that from and after the passing of this Act, no balloting upon any question proposed in any General Court of the said Company, relative to any matter whatsoever, shall be begun within a less space of time than twenty-four hours after the adjournment or breaking up of the General Court in which it shall have been determined that such question should be decided by balloting; any thing in the said last recited Act to the contrary notwithstanding.



No balloting to be begun within less than twenty-four hours after adjournment of General Court.

IV. And be it further enacted by the authority aforesaid, that if any person or persons whatsoever, employed by or in the service of the said United Company, in any civil or military station, office, or capacity whatsoever, in the East-Indies, or deriving or claiming any power, authority, or jurisdiction, by or from the said United Company, shall, after the passing of this Act, be guilty of oppressing any of his Majesty's subjects beyond the seas within their respective jurisdictions; or in the exercise of any such station, office, employment, power or authority, derived or claimed by, from, or under the said United Company, or shall be guilty of any other crime or offence; such oppressions, crimes, and offences, shall and may be inquired of, heard, and determined, in his Majesty's Court of King's Bench in England; and such punishments shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of Great Britain called England; and that the same, and all other offences committed against this Act, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

Company's servants in the East-Indies guilty of oppression or other crimes,

may be tried in the Court of King's Bench, and punished as if offence committed in England.

V. And be it further enacted by the authority aforesaid, that in all actions or suits, brought against the said United Company, their agents, or servants, or any person deriving authority under the said Company, for any thing by him or them done in such capacity, from and after the passing of this Act, the defendant or defendants, in any such action or suit, may plead the general issue, and give the special matter in evidence.

Defendants may plead the general issue.

VII. Provided always, and it is hereby enacted and declared, that the defendant or defendants, or his or their attorney, shall deliver to the plaintiff or plaintiffs in every such action, or his or their attorney, a notice in writing, signed by the defendant or defendants, or his or their attorney, of the substance of the defence or defences, which he or they intend to rely upon, six days before the trial of such action, in case the same is to be tried in London or Middlesex; and eight days before the trial thereof, in case the same is to be tried in any other county; and the defendant or defendants shall not, by virtue of this Act, be permitted, at the trial of any such action, to give evidence of any matters not contained in such notice.

Defendant to deliver to plaintiff a notice of the substance of his defence,

and shall not give evidence of any matters not contained therein.

In reference to the three preceding sections, *vide* 13 Geo. 3, cap. 63, sec. 39 to 41; 24 Geo. 3, cap. 25, sec. 64 and 65; 26 Geo. 3, cap. 57, sec. 28.

## 13 GEORGII III. Cap. LXIII.

### An Act *for establishing certain Regulations for the better management of the Affairs of the East-India Company, as well in India as in Europe.*

Preamble.

Whereas the several powers and authorities granted by Charters to the United Company of Merchants of England trading to the East-Indies have been found, by experience, not to have sufficient force and efficacy to prevent various abuses which have prevailed in the government and administration of the affairs of the said United Company, as well at home as in India, to the manifest injury of the public credit, and of the commercial interests of the said Company; and it is therefore become highly expedient that certain further regulations, better adapted to their present circumstances and condition, should be provided and established: and whereas the electing and choosing of Directors of the said United Company every year, in such manner as at present prescribed by Charter, has not answered the good purposes intended thereby, but, on the contrary, by limiting the duration of their office to so short a time, evidently tends to weaken the authority of the Court of Directors, and to produce instability in the councils and measures of the said Company: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that at the next ensuing general election of Directors of the said United Company, instead of an election of twenty-four Directors to serve for the space of one year only, there shall be chosen, in such manner and order as the Directors of the said United Company for the time being shall appoint, six Directors expressly for the term of one year, and six other Directors for the term of two years, and six other Directors for the term of three years, and the remaining six Directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new Directors, and no more, shall be chosen, from time to time, in the place of such Directors whose term shall have expired, and who are hereby declared incapable of being then re-chosen; and at every subsequent election, during the continuance of the Charter of the said United Company, six new Directors shall be chosen, and shall continue to be Directors for the term of four years, and no longer, to be accounted from the day on which the election of such Directors was respectively made; and in case the office and authority of any such Director shall become void by death, removal, or otherwise, another shall be chosen from time to time, in his place, to serve as a Director during the remainder of such term for which the person whose office shall have become void was chosen, and no longer.

At the next ensuing general election, instead of twenty-four for one year, there shall be chosen six Directors for the term of one year; six for two years; six for three years; six for four years; and so hereafter yearly.

All transfers made in a collusive manner to qualify voters at elections,

III. And whereas it has been found that the provision made by the Charter of the tenth year of the reign of King William the Third, under which persons possessed of five hundred pounds stock are entitled to vote in General Courts, has been productive of much inconvenience in the present situation of the Company, and tends to promote the mischievous practice of making collusive transfers, which practice hath not been sufficiently prevented by the provision made by an Act of the seventh year of his present Majesty's reign, whereby the right of voting is limited to persons having been six calendar months in possession of their stock; be it further enacted, that all transfers of stocks whatsoever made to any person or persons, in any fraudulent or collusive manner, on purpose to qualify him, her, or them, to give his, her, or their vote or votes, at any election of members of the Court of Directors, or in any General Court of the said United Company, (subject nevertheless to conditions or agreements, either

verbal or in writing, to defeat or determine such transfers, or to retransfer or return the same,) shall be deemed and taken against those persons who transferred the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such transfer shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all manner of trusts, conditions, powers of revocation, provisoes of redemption, or other defeazances between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, notes collateral, or other securities, contracts, or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the retransferring, redeeming, revoking, or defeating such transfer, or for the restoring or retransferring thereof, or any part thereof, to any person or persons who made such transfer, or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever: And that every person to whom such transfer shall have been made, and who shall have voted by virtue thereof, at any election of members of the Court of Directors, or in any General Court of the said United Company, and who shall afterwards retransfer or return the same, in consequence of any trust, condition, powers of revocation, proviso of redemption, or other defeazance whatsoever, as aforesaid, shall, for every such offence, forfeit the sum of one thousand pounds; one moiety whereof shall go and be disposed of to any person who shall sue for the same, and the other moiety to his Majesty, his heirs and successors; to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance, shall be admitted or allowed; and that from and after the first day of October, one thousand seven hundred and seventy-three, no member or proprietor of the said United Company shall be deemed qualified, or capable to vote, or be admitted to give any vote or votes, at any election of Directors, or at any General Court of the said United Company, in respect of any stock amounting to less than one thousand pounds, nor in respect of any stock transferred to him, her, or them, after the said first day of October, one thousand seven hundred and seventy-three, until he, she, or they, shall have been possessed of such stock twelve calendar months, in his, her, or their own right, and not in trust for any other person or persons whatsoever, freed and discharged of all incumbrances which can or may effect the same, unless such stock shall have been acquired, or shall have come to such proprietor by bequest, or by marriage, or by succession to any intestate's estate, or by the custom of the City of London, or by any deed of settlement after the death of any person who shall have been entitled for life to the dividends of such stock; any law, statute, or usage, to the contrary notwithstanding.

and all bonds, covenants, &c. with persons in trust, shall be null and void.

Penalty on persons who shall vote by virtue of collusive transfers at any election, and shall afterwards re-transfer the stock in consequence of any trusts, &c.

After Oct. 1, 1773, no proprietor shall vote at any election of Directors in respect of stock amounting to less than £1,000, nor until he shall have been possessed thereof twelve calendar months.

Certain cases excepted.

IV. Provided always, and be it further enacted by the authority aforesaid, that every member or proprietor of the said United Company who shall be possessed, for the time or term aforesaid, in his or her own right, of three thousand pounds capital stock of the said Company, shall be entitled to give two votes at any election of Directors, or at any ballot of the said Company; and every member or proprietor who shall be possessed, for the time or term aforesaid, of six thousand pounds, in his or her own right, shall be entitled to give three votes; and every member or proprietor who shall be possessed, for the time or term aforesaid, of ten thousand pounds, or more, shall be entitled to give four votes at such election or ballot; and the oath and affirmation hereinafter respectively prescribed, shall, as occasion shall require, be altered in such manner as shall be necessary to comprise such right of voting.

Every Proprietor possessed of £3,000 capital stock shall be entitled to two votes at any election; if possessed of £6,000, he shall have three votes; and when possessed of £10,000, shall be entitled to four votes.

VI. And be it further enacted by the authority aforesaid, that from and after the first day of October, one thousand seven hundred and seventy-three, upon every election to be made of

Upon election of Directors every Proprie-

tor shall, before admitted to vote, take a prescribed oath:

any member or members of the Court of Directors (1), and upon every ballot to be taken at any General Court of the said United Company, every member or proprietor of the said Company shall, before admitted to vote at such election, or in such General Court, first take the oath hereafter mentioned before two or more of the Directors of the said United Company, who are hereby empowered to administer such oath; that is to say,

"I, A. B. do swear," (or, being one of the people called Quakers, 'do solemnly affirm'), "That the sum of one thousand pounds or more of the capital stock of the United Company "of Merchants of England trading to the East-Indies, standing in my name, doth at this "time belong, and hath for the space of twelve calendar months actually belonged to me, in "my own right, and not in trust for any person or persons whatsoever; and that I have been "in the actual receipt of the dividends and profits thereof for my own use, freed and discharged "of all incumbrances which can or may affect the same, for the said space of twelve calendar "months; or that the same came to me within the time aforesaid by bequest, or by mar-"riage, or by succession to an intestate's estate, or by the custom of the city of London, "or by settlement; and that such stock has not been transferred or made to me fraudulently "or collusively, on purpose to qualify me to give my vote; and that I have not before "given my vote on this ballot.

"So help me God."

Persons committing wilful perjury, or corruptly suborning others so to do, shall be liable to the penalties in Act 5 Eliz. c. 9; and 2 Geo. 2, c. 25.

And in case any person taking the oath or affirmation hereby appointed shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation, in order to vote, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he, she, and they, for every such offence, shall incur such pains and penalties as are in and by two Acts of Parliament, the one made in the fifth year of the late Queen Elizabeth, intituled, "An Act for punishing such Persons as shall procure or commit wilful Perjury, or suborn or procure any Person to commit any wilful or corrupt Perjury;" the other made in the second year of his Majesty King George the Second, intituled, "An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities, for Payment of Money," directed to be inflicted for Offences committed contrary to the said Acts.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 27, Proprietors resident within the United Kingdom may vote on Elections of Directors by Letter of Attorney, under certain conditions.]

His Majesty may, by Charter or Letters Patent, establish a Supreme Court of Judicature at Fort William, &c.

XIII. And whereas his late Majesty King George the Second did, by his Letters Patent bearing date at Westminster the eighth day of January, in the twenty-sixth year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies his royal Charter, thereby, amongst other things, constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction, at the said United Company's respective settlements at Madras-patam, Bombay, on the Island of Bombay, and Fort William in Bengal; which said Charter does not sufficiently provide for the due administration of justice in such manner as the state and condition of the Company's Presidency of Fort William in Bengal, so long as the said Company shall continue in the possession of the territorial acquisitions before-mentioned, do and must require; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by Charter or Letters

Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William aforesaid, to consist of a Chief Justice and three other Judges,(1) being barristers in England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors; which said Supreme Court of Judicature shall have, and the same Court is hereby declared to have full power and authority to exercise and perform all civil, criminal, admiralty and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said Court, with such reasonable salaries, as shall be approved of by the said Governor-general and Council; and to form and establish such rules of practice, and such rules for the process of the said Court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers which by the said Charter shall or may be granted and committed to the said Court; and also shall be, at all times, a Court of Record, and shall be a Court of Oyer and Terminer, and goal delivery, in and for the said town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto.

To consist of a Chief Justice and three other Judges;

who are invested with civil, criminal, admiralty, and ecclesiastical jurisdiction, and may establish rules of practice and process.

To be a Court of Record, Oyer and Terminer, and Gaol Delivery for Calcutta and Fort William.

(1) [By the 37 Geo. 3, cap. 142, sec. 1, the Court is to consist of a Chief Justice and two Puisne Judges.]

XIV. Provided nevertheless, and be it further enacted by the authority aforesaid, that the said new Charter which his Majesty is hereinbefore empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or any of them, under the protection of the said United Company, and the same Charter shall be competent and effectual: and the Supreme Court of Judicature, therein and thereby to be established, shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects for any crimes, misdemeanors or oppressions, committed, or to be committed; and also to entertain, hear, and determine any suits or actions whatsoever, against any of his Majesty's subjects in Bengal, Bahar, and Orissa, and any suit, action, or complaint against any person who shall, at the time when such debt, or cause of action or complaint, shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said United Company, or of any of his Majesty's subjects.

Extent of the jurisdiction and power of his Majesty's Charter;

and of the Supreme Court of Judicature.

XV. Provided also, that the said Court shall not be competent to hear, try, or determine any indictment or information against the said Governor-general, or any of the said Council for the time being, for any offence (not being treason or felony) which such Governor-general, or any of the said Council, shall or may be charged with having committed in Bengal, Bahar, and Orissa.

Supreme Court not competent to hear and determine indictments or informations against the Governor-general, &c.

XVI. Provided also, and be it enacted, that the said Supreme Court shall hear and determine any suits or actions whatsoever of any of his Majesty's subjects against any inhabitant of India residing in any of the said kingdoms or provinces of Bengal, Bahar, or Orissa, or any of them, upon any contract or agreement in writing entered into by any of the said inhabitants, with any of his Majesty's said subjects, where the cause of action shall exceed the sum of five hundred current rupees; and where the said inhabitant shall have agreed in the said contract, that, in case of dispute, the matter shall be heard and determined in the said Supreme Court; and all such suits or actions may be brought, in the first instance, before the said Court, or by appeal from the sentence of any of the Courts established in the said provinces, or any of them.

Limitation of actions before the said Court.

Suits may originate in the Supreme Court, or be brought by appeal from the provincial courts.

The Governor-general, Council, &c. not subject to be arrested or imprisoned under authority of Supreme Court.

XVII. And it is hereby further enacted and provided, that nothing in this Act shall extend to subject the person of the Governor-general, or of any of the said Council, or Chief Justice and Judges respectively for the time being, to be arrested or imprisoned upon any action, suit, or proceeding in the said Court.

Appeal may be made to his Majesty in Council.

XVIII. And be it further enacted by the authority aforesaid, that it shall and may be directed, in and by the said new Charter which his Majesty is hereinbefore empowered to grant, that in case any person or persons whatsoever shall think himself, herself, or themselves, aggrieved by any judgment or determination of the said Supreme Court of Judicature, to be established as aforesaid, he, she, or they, shall and may appeal from such judgment or determination to his Majesty in Council, his heirs or successors, within such time, in such manner, and in such cases, and on such security, as his Majesty, in his said Charter, shall judge proper and reasonable to be appointed and prescribed.

So much of the Charter of George the Second as relates to Mayor's Courts (should a new Charter be granted) to be repealed.

XIX. And be it further enacted by the authority aforesaid, that so much of the said Charter, granted by his said late Majesty, as respects or relates to the establishment of the Mayor's Court at Calcutta aforesaid, in Bengal, or to the civil, criminal, or ecclesiastical jurisdiction thereof, in the said United Company's settlement there, or the subordinates thereunto belonging, in case a new Charter shall be granted by his Majesty in pursuance of this Act, and shall be openly published at Fort William aforesaid, from and immediately after such publication, shall cease, determine, and be absolutely void, to all intents and purposes.

All records and muniments belonging to the Mayor's Court at Calcutta, &c. to be delivered to and preserved in the new Court.

XX. And be it further enacted by the authority aforesaid, that all the Records, Muniments, and proceedings whatsoever, of and belonging to the said Mayor's Court at Calcutta aforesaid, or to the Courts of Oyer and Terminer and gaol delivery at Fort William aforesaid, established by the said Charter of his said late Majesty, shall, from and immediately after such Court of Judicature, which his Majesty is herein-before empowered to erect, shall be established at Fort William as aforesaid, be delivered over, preserved, and deposited for safe custody in the said new Court of Judicature, to which all parties concerned shall and may resort and have recourse, upon application to the said Court.

When salaries to commence.

XXII. And be it further enacted by the authority aforesaid, that the salaries of such Governor-general and Council, and of such Chief Justice and Judges of such Supreme Court of Judicature as aforesaid, shall take place and commence in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon, and from the day on which such person shall embark from Great Britain; (1) and that the salaries of all such persons who shall, at the time of their appointment, be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; and that all such salaries to such Governor-general and Council, and of such Chief Justice and Judges, shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, and that no fees of office, perquisites, emoluments or advantages whatsoever shall be accepted, received, or taken by such Governor-general and Council, or by such Chief Justice and Judges, as aforesaid, or any of them, in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid to them respectively.

No fees, perquisites, &c., to be received by Chief Justice and Judges.

(1) [The provision respecting the commencement of the salaries of persons resident in England at the time of appointment is repealed

by 53 Geo. 3, cap. 155, sec. 89. Salaries now commence, in all cases, from entry on office. Other enactments affecting the jurisdiction, powers, and practice of the Supreme Court of Bengal, are contained in 21 Geo. 3, cap. 70; 33 Geo. 3, cap. 52; 37 Geo. 3, cap. 142; 39 & 40 Geo. 3, cap. 79; 53 Geo. 3, cap. 155; 3 & 4 Will. 4, cap. 85; and 2 & 3 Vict. cap. 34. See also Act of Government of India, No. 7, of 1837.]

The Governor-general, Council, and Judges restricted from accepting any present.

XXIII. And be it further enacted by the authority aforesaid, that no Governor-general, or any of the Council of the said United Company's Presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, shall, directly or indirectly, by themselves, or by any other person or persons for his or their use, or on his or their behalf, accept, receive, or take, of or from any person or persons, in any manner, or on any account whatsoever, any present, gift, donation, gratuity, or reward, pecuniary or otherwise, or any promise or engagement for any present, gift, donation, gratuity, or reward.

No person holding a civil or military office under the Crown, or Company, shall accept any donation or gratuity.

XXIV. And be it further enacted by the authority aforesaid, that from and after the first day of August, one thousand seven hundred and seventy-four, no person holding or exercising any civil or military office under the Crown, or the said United Company, in the East-Indies, shall accept, receive, or take, directly or indirectly, by himself, or any other person or persons on his behalf, or for his use or benefit, of and from any of the Indian princes or powers, or their ministers or agents, (or any of the natives of Asia), any present, gift, donation, gratuity, or reward, pecuniary or otherwise, upon any account, or on any pretence whatsoever, or any promise or engagement for any present, gift, donation, gratuity or reward.

Professional fees of counsellors, physicians, surgeons, and chaplains, excepted.

XXV. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person or persons who shall carry on, or exercise the profession of a counsellor at law, a physician, or a surgeon, or being a chaplain, from accepting, taking, or receiving any fees, gratuities, or rewards, in the way of their profession.

No person shall take on loan of monies above the rate of twelve per cent. per annum.

XXX. And be it further enacted by the authority aforesaid, that no subject of his Majesty, his heirs and successors, in the East-Indies, shall, upon any contract which shall be made from and after the said first day of August, one thousand seven hundred and seventy-four, take directly, or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of twelve pounds for the forbearance of one hundred pounds for a year; and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, made after the time aforesaid, for payment of any principal or money to be lent or covenanted to be performed upon, or for any usury whereupon or whereby there shall be reserved or taken above the rate of twelve pounds in the hundred, as aforesaid, shall be utterly void: and all and every such person or persons whatsoever who shall, after the time aforesaid, upon any contract to be made after the first day of August, one thousand seven hundred and seventy-four, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, shift, or interest of any wares, merchandizes,

Persons by covin accepting higher rate, &c. shall forfeit for every offence treble the value of loans, &c.;

or other thing or things whatsoever, or by any deceitful way or mean, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of twelve pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter term, shall forfeit and lose, for every such offence, treble the value of the monies, wares, merchandises, and other things so lent, bargained, exchanged, or shifted, with costs of suit, one moiety whereof shall be to the said United Company, and the other moiety to him or them who will sue for the same in the said Supreme Court of Judicature at Fort William in Calcutta, or in the Mayor's Court in any other of the said United Company's settlements where such offence shall have been committed, by action of debt, bill, plaint, or information, in which no essoin, wager of law, or protection, shall be allowed; and in case no such action, bill, plaint, or information, shall have been brought and prosecuted with effect within three years, that then it shall and may be lawful to and for the party aggrieved to sue and prosecute for recovery of all sums of money paid over and above such rate of interest.

one moiety to go to the Company, and the other to the prosecutor.

Persons making compositions contrary to the meaning of the Act,

XXXI. And be it further enacted, that no informer or plaintiff shall or may compound or agree with any person or persons that shall offend, or shall be surmised to offend, against this Act, for any offence committed, or pretended to be committed, before answer made in the said Supreme Court, unto the information or suit in that behalf exhibited or prosecuted, nor after answer, but by the order or consent of the said Court, on pain that if any person or persons shall offend in making of any composition or agreement, contrary to the true intent and meaning of this Act, or shall, by colour or pretence of process, or without process, upon colour or pretence of any matter of offence against this Act, make any composition, or take any money, reward, or promise of reward, for himself, or to the use of any other, without order or consent of the said Court; that then he or they so offending, being thereof lawfully convicted, shall, for every such offence, be liable to be fined and imprisoned, at the discretion of the said Court.

liable to be imprisoned at the discretion of the Court.

Servants of the Company prosecuted for breaches of trust, on conviction, to be fined and imprisoned at the discretion of the Court.

XXXIII. And be it further enacted by the authority aforesaid, that from and after the said first day of August, one thousand seven hundred and seventy-four, if any of his Majesty's subjects in India, employed by, or in the actual service of the said United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the said United Company; every such offender, being convicted thereof in the said Supreme Court of Judicature, or in any Court of Judicature in any other Presidency or Settlement in India, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the said United Company, at the discretion of the Court before which he shall be tried; and immediately after the sentence of such Court shall have been executed and inflicted, shall and may be sent over to England, by such order, and in such manner, as is hereinbefore mentioned and directed, unless he shall remove himself within twelve months, and in the mean time give sufficient security so to do.

Offences to be tried by a jury of British subjects.

XXXIV. And be it further enacted by the authority aforesaid, that all offences and misdemeanors which shall be laid, tried, and inquired of in the said Supreme Court, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise. (1)

(1) [By 7 Geo. 4, all sufficient persons, not being subjects of a foreign state, were, with certain exceptions, made eligible to serve on

juries, subject to rules of Court to be approved by the Crown. By 2 & 3 Will. 4, cap. 117, sec. 2, all distinctions are abolished.]

The Directors may not compound or discharge sentences of the Supreme or any other Court of Justice,

XXXV. And be it further enacted by the authority aforesaid, that after any judgment of the said Supreme Court of Judicature, or of any Court of Judicature at any of the said United Company's Settlements, against any of the said United Company's servants, civil or military, for any debt or penalty, due or belonging to the said United Company, shall be made known to the Court of Directors for the time being of the said United Company, it shall not be lawful to release or compound such sentence or judgment, or to release, discharge, or put a stop to any prosecution, suit, or action, commenced or to be commenced, for carrying on any illicit trade, or for any debt or penalty due to the said United Company, or to restore any servant or servants whatever of the said Company, who shall have been removed or dismissed from his or their office or employment, for or upon account of any misbehaviour, without the consent of three parts in four of the said Court of Directors, to be taken by ballot, and also the consent of three parts in four in number of the proprietors of the said United Company, who shall be present, and give their votes by ballot, to be taken at a General Court to be specially called for that purpose, and of which fourteen days public notice, at the least, shall be given before the holding the same, and of the particular occasion for which such General Court shall be called. (1)

nor restore persons dismissed, without consent of three parts in four of Directors, and the like majority of Proprietors in a General Court.

(1) [By 33 Geo. 3, cap. 53, sec. 69, all powers of release, and of restoring servants dismissed *by sentence of Courts of Law* is taken away.]

Governor-general and Council, Chief Justice, and other Judges to act as Justices of Peace.

XXXVIII. And be it further enacted by the authority aforesaid, that the Governor-general and Council for the time being of the said United Company's settlement at Fort William aforesaid, and the Chief Justice and other Judges of the said Supreme Court of Judicature, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as Justices of the Peace for the said settlement, and for the several settlements and factories subordinate thereto; and to do and transact all matters and things which to the office of a Justice or Justices of the Peace do belong and appertain; and for that purpose the said Governor-general and Council are hereby authorized and empowered to hold Quarter Sessions within the said settlement of Fort William aforesaid, four times in every year, and the same shall be at all times a Court of Record.

If the Governor-general, President, &c. commit offences, the same may be tried and determined in the Court of King's Bench.

XXXIX. And be it further enacted by the authority aforesaid, that if any Governor-general, President, or Governor, or Council of any of the said Company's principal or other settlements in India, or the Chief Justice or any of the Judges of the said Supreme Court of Judicature, to be by the said new Charter established, or of any other Court in any of the said United Company's settlements, or any other person or persons who now are, or heretofore have been employed by or in the service of the said United Company, in any civil or military station, office, or capacity, or who have or claim, or heretofore have had or claimed, any power or authority, or jurisdiction, by or from the said United Company, or any of his Majesty's subjects residing in India, shall commit any offence against this Act, or shall have been, or shall be, guilty of any crime, misdemeanor, or offence, committed against any of his Majesty's subjects, or any of the inhabitants of India, within their respective jurisdic-

tions, all such crimes, offences, and misdemeanors, may be respectively inquired of, heard, tried, and determined in his Majesty's Court of King's Bench, and all such persons so offending, and not having been before tried for the same offence in India, shall, on conviction, in any such case as is not otherwise specially provided for by this Act, be liable to such fine or corporal punishment as the said Court shall think fit; and moreover shall be liable, at the discretion of the said Court, to be adjudged to be incapable of serving the said United Company in any office, civil or military; and all and every such crimes, offences, and misdemeanors, as aforesaid, may be alleged to be committed, and may be laid, inquired of, and tried in the county of Middlesex.

Manner of procedure in cases of indictments and informations laid in the King's Bench.

XL. And whereas the provisions made by former laws (1) for the hearing and determining in England offences committed in India have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there: be it further enacted by the authority aforesaid, that in all cases of indictments or informations, laid or exhibited in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said Court, upon motion to be made on behalf of the prosecutor, or of the defendant or defendants, to award a writ or writs of mandamus, requiring the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, who are hereby respectively authorized and required accordingly to hold a Court with all convenient speed, for the examination of witnesses, and receiving other proofs concerning the matters charged in such indictments or informations respectively; and in the mean time, to cause such public notice to be given of the holding the said Court, and to issue such summons or other process, as may be requisite for the attendance of witnesses, and of the agents or council, of all or any of the parties respectively, and to adjourn from time to time, as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken *viva voce* in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions; and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Court, and one or more of the said Judges shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India, (or if such agent be dead, in what manner the same came into his hands); and that the same has not been opened, or altered, since he so received it, (which said oath such clerk in Court is hereby authorized and required to administer); and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witness had been present and sworn and examined *viva voce* at any trial for such crimes or misdemeanors, as aforesaid, in his Majesty's said Court of King's Bench, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges.

(1) [10 Geo. 3, cap. 47, sec. 4, *et seq.*]

Court of King's Bench may take cognizance of offences against this Act committed by the Chief Justices or Judges.

XLI. And be it further enacted by the authority aforesaid, that in case the said Chief Justice, or Judges, of the said Supreme Court of Judicature, or any of them, for the time being, shall commit any offence against this Act, or be guilty of any corrupt practice, or other crime, offence, or misdemeanor, in the execution of their respective offices, it shall and may be lawful for his Majesty's said Court of King's Bench in England, upon an information or indictment laid or exhibited in the said Court for such crime, offence, or misdemeanor, upon motion to be made in the said Court, to award such writ or writs of mandamus, as aforesaid, requiring the Governor-general and Council of the said United Company's settlement at Fort William aforesaid, who are hereby respectively authorized and required accordingly to assemble themselves in a reasonable time, and to cause all such proceedings to be had and made as are hereinbefore respectively directed and prescribed concerning the examination of witnesses; and such examination, so taken, shall be returned and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated. (1)

(1.) [*Vide* 26 Geo. 3, cap. 57, sec. 25, & 42 Geo. 3, cap. 85.]

The Chancellor or Speaker of the House of Commons, may issue warrants for the examination of witnesses in India, which shall be deemed competent evidence to both the Houses of Parliament.

XLII. And be it further enacted by the authority aforesaid, that in all cases of proceedings in Parliament, touching any offences against this Act, or any other offences committed in India, it shall and may be lawful for the Lord High Chancellor, or Speaker of the House of Lords, and also the Speaker of the House of Commons for the time being, in like manner, to issue his or their warrant or warrants to the Governor-general and Council of the said United Company's presidency at Fort William, and to the Chief Justice and Judges of the said Supreme Court of Judicature, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, for the examination of witnesses; and such examination shall be returned to the said Lord High Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons respectively, and proceeded upon in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again particularly repeated; and every such examination, returned either to the Lord Chancellor, or Speaker of the House of Lords, or to the Speaker of the House of Commons, as aforesaid, shall be deemed good and competent evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

No proceedings in Parliament, touching offences in India, to be discontinued by any prorogation.

XLIII. And whereas by the usage and custom of Parliament, no proceedings by Bill in Parliament have continuance from one session to another: and whereas it would be impracticable that the examination taken upon such warrant, as aforesaid, could ever be returned within the ordinary length of a Session of Parliament: be it enacted by the authority aforesaid, that, from and after the first day of November, one thousand seven hundred and seventy-three, no proceedings in Parliament touching any offence committed, or to be committed in India, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of the Parliament, but that such proceedings may be resumed and proceeded upon in a subsequent Session, or in a subsequent Parliament, in either House of Parliament, in like manner, to all intents and purposes, as they might have been in the course of one and the same Session; any law, usage, or custom to the contrary notwithstanding.

Writs of mandamus may be awarded by the Courts at West-

XLIV. And whereas his Majesty's subjects are liable to be defeated of their several rights, titles, debts, dues, demands, or suits, for which they have cause arising in India against

minster, when the Company commence suits in law or equity there.

other subjects of his Majesty: now, for preventing such failure of justice, be it further enacted by the authority aforesaid, that when and as often as the said United Company, or any person or persons whatsoever, shall commence and prosecute any action or suit, in law or equity, for which cause hath arisen, or shall hereafter arise, in India, against any other person or persons whatever, in any of his Majesty's Courts at Westminster, it shall and may be lawful for such Court respectively, upon motion there to be made, to provide and award such writ or writs, in the nature of a mandamus, or commission, as aforesaid, to the Chief Justice and Judges of the said Supreme Court of Judicature for the time being, or the Judges of the Mayor's Court at Madras, Bombay, or Bencoolen, as the case may require, for the examination of witnesses, as aforesaid; and such examination, being duly returned, shall be allowed and read, and shall be deemed good and competent evidence, at any trial or hearing between the parties in such cause or action, in the same manner, in all respects, as if the several directions hereinbefore prescribed and enacted in that behalf were again repeated.

No depositions returned to be allowed as evidence in cases not proceeded against in Parliament.

XLV. Provided nevertheless, and be it enacted, that no such depositions, taken and returned as aforesaid by virtue of this Act, shall be allowed or permitted to be given in evidence in any capital cases, other than such as shall be proceeded against in Parliament; anything in this Act contained to the contrary notwithstanding.

The privileges of the Company, not hereby varied, shall remain in force.

XLVI. And be it further enacted by the authority aforesaid, that all and every the rights, interests, powers, privileges, and authorities, which are now vested in the said United Company of merchants trading to the East-Indies, and which are not hereby expressly taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a manner, to all intents and purposes whatsoever, as if this Act had never been made.

---

## 17 GEORGII III. Cap. VIII.

AN ACT *to amend so much of an Act made in the Thirteenth Year of the Reign of his present Majesty, (intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe"), as relates to the Day on which the annual Election of Directors of the said Company is to be made.*

Preamble.
Act 13 Geo. 3, c. 63, recited.

Whereas by an Act made in the thirteenth year of the reign of his present Majesty, (intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe"); it is among other things enacted, that at the then next ensuing general election of Directors of the said United Company, instead of an election of twenty-four Directors to serve for the space of one year only, there should be chosen, in such manner and order as the Directors of the said United Company for the time being should appoint, six Directors expressly for the term of one year, and six other Directors for the term of two years, and six other Directors for the term

of three years, and the remaining six Directors for the term of four years, and not otherwise; and from thenceforth yearly and every year, and at the expiration of each and every of the said terms respectively, six new Directors, and no more, should be chosen, from time to time, in the place of such Directors whose term should have expired, and who were thereby declared incapable of being then rechosen; and at every subsequent election, during the continuance of the Charter of the said United Company, six new Directors should be chosen, and should continue to be Directors for the term of four years, and no longer, to be accounted from the day on which the election of such Directors was respectively made; and in case the office and authority of any such Director should become void, by death, removal, or otherwise, another should be chosen, from time to time, in his place, to serve as a Director during the remainder of such term for which the person whose office should have become void was chosen, and no longer: and whereas the first general election of Directors of the said United Company, after the passing the said recited Act, was made on the thirteenth day of April, which was in the year of our Lord one thousand seven hundred and seventy-four, at which time six Directors were chosen for the term of one year, six other Directors for the term of two years, six other Directors for the term of three years, and six other Directors for the term of four years, according to the directions of the said recited Act; and afterwards on the thirteenth day of April, which was in the year of our Lord one thousand seven hundred and seventy-five, six other Directors were chosen for the term of four years, in the room of those Directors who were elected for one year, as aforesaid; and on the thirteenth day of April one thousand seven hundred and seventy-six, six other Directors were chosen for the term of four years, in the room of those Directors who were elected for two years, as aforesaid: and whereas there is not any provision in the said Act, for the making an election of Directors of the said United Company at any other time than on the exact day when the term of the former elections expire: and whereas the day of election of Directors in the year one thousand seven hundred and seventy-seven, according to the said recited Act, will happen on Sunday, the thirteenth day of April, one thousand seven hundred and seventy-seven; but it is highly improper that such an election should be made on a Sunday, and it is expedient that the like impropriety should be prevented in future; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that instead of the said general election of six Directors of the said United Company, in the said year one thousand seven hundred and seventy-seven, for the term of four years, being made on Sunday, the said thirteenth day of April, one thousand seven hundred and seventy-seven, the same election shall be made on Wednesday, the sixteenth day of the same month of April; and in respect to all future annual elections of Directors of the said United Company, instead of the same being made on the exact day of the expiration of the term for which the former Directors were elected, in pursuance of the said recited Act, such future annual general elections of Directors of the said United Company shall be made on the second Wednesday in the month of April in every year.

General election of Directors for 1777, to be on Wednesday, April 16;

and all future annual elections on the second Wednesday in April.

II. And be it further enacted by the authority aforesaid, that the term of three years, for which six Directors of the said Company were elected, in the said year one thousand seven hundred and seventy-four, and which will expire on the thirteenth day of April, one thousand seven hundred and seventy-seven, shall be enlarged; and such Directors so elected for the term of three years, shall continue Directors of the said United Company until the said sixteenth day of April, one thousand seven hundred and seventy-seven, and during the whole of that day; and in respect to the said Directors elected in the said years, one thousand seven hundred and

Clause relating to the determination of the terms for which the Directors are elected.

seventy-four, one thousand seven hundred and seventy-five, and one thousand seven hundred and seventy-six, for the respective terms of four years; and as to all future Directors of the said United Company to be elected for the term of four years, in case the said respective terms of four years shall happen to expire before the second Wednesday in the month of April, in that year in which the said respective terms of four years shall expire, yet such Directors shall continue to be Directors of the said Company until the second Wednesday in the month of April in which the said respective terms of four years shall end, and during the whole of that day, and in case the said respective terms of four years shall not have fully run out on the said second Wednesday of the said month of April, in any subsequent year, in which the said terms shall respectively expire; in such case the same terms respectively shall end and expire at the end of the day on the said second Wednesday in the said month of April in such year in which the said respective terms of four years shall end and expire, in the same manner as if the whole term of four years was fully run out; any thing in the said recited Act of Parliament contained to the contrary in any wise notwithstanding.

---

## 17 GEORGII III. Cap. L.

AN ACT *for granting to his Majesty certain Duties on Licenses, to be taken out by all Persons acting as Auctioneers; and certain Rates and Duties on all Lands, Houses, Goods, and other things sold by Auction; and upon Indentures, Leases, Bonds, Deeds, and other Instruments.*

This Act, which was the first requiring auctioneers to take out a license and imposing a duty upon goods sold by auction, contains the following provision:

Certain cases to which this Act shall not extend.

Provided also, and it is hereby further enacted, that nothing in this Act contained shall extend to any sale or sales by way of auction of estates or chattels, made by any rule, or order, or decree, of his Majesty's Court of Chancery, or of Exchequer, in England, before the Masters in Chancery, or the Deputy Remembrancer of the said Court of Exchequer; or by any order or decree of the Courts of Session or Exchequer in Scotland respectively; or at any such sales made by the East-India Company, or the Hudson's Bay Company, or by order of his Majesty's Commissioners for the duty of Customs or of Excise, or by order of the Board of Ordnance, or Commissioners of the Navy and Victualling, or any such sales of estates or chattels, made by the Sheriff in execution of judgments, or of goods distrained for rent, or for nonpayment of tithes, or of goods and effects of bankrupts, sold by order of the assignees, under a commission of bankruptcy, any thing herein contained to the contrary notwithstanding.

Two years after its passing, the Act was modified by another, the title of which follows:

## 19 GEORGII III. Cap. LVI.

An Act *for altering, amending, and enforcing, so much of an Act, made in the seventeenth Year of the Reign of his present Majesty, intituled "An Act for "granting to his Majesty certain Duties on Licenses to be taken out by all Per- "sons acting as Auctioneers; and certain Rates and Duties on all Lands, "Houses, Goods, and other things sold by Auction; and upon Indentures, Leases, "Bonds, Deeds, and other Instruments," as relates to the method of granting Licenses to Auctioneers, and to the collecting the Duties on Estates and Goods sold by Auction.*

This Act contains the provision following:

Certain auctions to which this Act shall not extend.

Provided always, and it is hereby further enacted by the authority aforesaid, that nothing in this Act contained shall extend to any sale or sales, by way of auction, of estates or chattels, made by any rule, order, or decree, of his Majesty's Court of Chancery, or of Exchequer in England, before the Master in Chancery, or the Deputy Remembrancer of the said Court of Exchequer; or by any order or decree of the Courts of Great Sessions in Wales, or by any order or decree of the Court of Session or Exchequer in Scotland respectively; or to any such sales made by the East-India Company, or the Hudson's Bay Company; or by order of his Majesty's Commissioners for the duties of Customs or Excise; or by order of the Board of Ordnance, or Commissioners of the Navy or Victualling Offices; nor to the sale by auction of any goods distrained for rent, or for nonpayment of tithes; any thing hereinbefore to the contrary notwithstanding.

For continuation of exemptions, *vide* 43 Geo. 3, cap. 69, and 45 Geo. 3, cap. 30.

---

## 19 GEORGII III. Cap. LXI.

An Act *for continuing in the Possession of the United Company of Merchants of England trading to the East-Indies, for a limited Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the East-Indies; and for continuing for a limited Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, intituled "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," as will expire in the course of the present Year.*

Preamble.

Recital of 13 Geo. 3. c. 64.

Whereas by an Act, passed in the thirteenth year of the reign of his present Majesty, intituled "An Act for granting to his Majesty a Sum of Money, to be raised by Exchequer Bills; and to be advanced and applied in the Manner, and upon the Terms, therein mentioned, for the Relief of the United Company of Merchants of England trading to the East-Indies;" it was directed, that the Commissioners of his Majesty's Treasury, or the Lord High Treasurer for the time being, should cause to be prepared and made any number of Exchequer bills, not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said Act was directed, for the relief of the United Company of Merchants of England trading to the East-Indies: And whereas by the said Act it was de-

clared, that, in the then circumstances of the East-India Company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East-Indies; and therefore it was by the said Act enacted, that until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges and expenses attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expenses, of the said Company, should from time to time, be disposed of and applied in the manner as in the said Act was directed; (that is to say), until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum or any part thereof, should remain unpaid, there should, in the first place, be set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds per centum per annum upon the capital stock of the said Company; and all the surplus of the said clear yearly revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be set apart and applied, in the first place, out of the said clear revenues and profits such sum as might be sufficient for answering a dividend, not exceeding the rate of seven pounds per centum per annum upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas the said sum of one million four hundred thousand pounds has been repaid, and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond debt of the said Company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid Act declared that the public should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East-Indies, have ceased and are determined; but whereas notwithstanding it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of Merchants of England trading to the East-Indies: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the territorial acquisitions and revenues lately obtained in the East-Indies, shall remain in the possession of the United Company of Merchants of England trading to the East-Indies, and their successors, for and during the term of one year, to be computed from the fifth day of April, in the year of our Lord one thousand seven hundred and seventy-nine.

Recital of the debt of £1,400,000 being discharged, and the bond debt reduced to £1,500,000.

All the territorial acquisitions and revenues lately obtained in the East-Indies, to remain in possession of the Company till April 5, 1780.

VI. Provided always nevertheless, and be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the Crown, or of the said Company, after the expiration of this Act; but that the same shall remain, continue, and be in the same state and condition, in all respects, as though this Act had never been made.

This Act not to affect the rights of the Crown, or of the Company, after the expiration thereof.

## 20 GEORGII III. Cap. LVI.

*An Act for continuing in the Possession of the United Company of Merchants of England trading to the East-Indies, for a further Time, and under certain Conditions, the territorial Acquisitions and Revenues lately obtained in the East-Indies; and for reviving, and continuing for a further Time, so much of an Act, made in the thirteenth Year of the Reign of his present Majesty, (intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe"), as hath expired in the course of the present Year; and for indemnifying the said Company for any Money they have paid, or may pay, in or about the building of three Ships of the Line for the Service of the Public.*

Preamble.

Recital of 13 Geo. 3, c. 64.

Whereas by an Act, passed in the thirteenth year of the reign of his present Majesty, (intituled "An Act for granting to his Majesty a sum of Money, to be raised by Exchequer Bills, and to be advanced and applied, in the manner, and upon the terms, therein mentioned for the Relief of the United Company of Merchants of England trading to the East Indies)," it was directed, that the Commissioners of his Majesty's Treasury, or the Lord High Treasurer for the time being, should cause to be prepared and made any number of Exchequer bills, not exceeding in the whole the amount of one million four hundred thousand pounds, to be lent, advanced, and issued, as in the said Act was directed, for the relief of the United Company of Merchants of England trading to the East-Indies: And whereas by the said Act it was declared, that in the then circumstances of the East-India Company, it would not be in their power to provide for the repayment of the loan aforesaid, and for establishing their affairs upon a more secure foundation for the time to come, unless the public should agree to forego, for the then present time, all participation in the profits arising from the territorial acquisitions and revenues lately obtained in the East-Indies; and therefore it was by the said Act enacted, that, until the aforesaid sum of one million four hundred thousand pounds should be repaid, and the bond debt of the Company be reduced to the sum of one million five hundred thousand pounds, the whole clear profits arising from the aforesaid territorial acquisitions and revenues, after defraying the charges attending the same, together with all the clear revenue and profits of the said Company, after providing for the current payments of interest, and other outgoings, charges, and expenses, of the said Company, should, from time to time, be disposed of, and applied in the manner as in the said Act was directed; that is to say, until the aforesaid sum of one million four hundred thousand pounds should be repaid, and so long as the said sum, or any part thereof, should remain unpaid, there should, in the first place, be set apart and applied, out of the said clear revenues and profits, such a sum as might be sufficient for answering a dividend to the proprietors of the stock of the said Company, not exceeding the rate of six pounds per centum per annum upon the capital stock of the said Company; and all the surplus of the said clear revenues and profits should be applied in diminution of the said sum of one million four hundred thousand pounds, or such part thereof as should be remaining unpaid, and for defraying the charges incurred in respect thereof; and after the repayment of the whole of the money so advanced and applied as aforesaid, and until the bond debt of the said Company should be reduced to the sum of one million five hundred thousand pounds, there should in like manner be set apart and applied,

in the first place, out of the said clear revenues and profits, such sum as might be sufficient for answering a dividend not exceeding the rate of seven pounds per centum per annum, upon the capital stock of the said Company; after which all the surplus of the said clear revenues and profits should be applied in reducing the bond debt of the said Company: And whereas the said sum of one million four hundred thousand pounds has been repaid and fully discharged, and all the charges incurred in respect thereof have been defrayed, and the bond debt of the said Company has been reduced to, or under, the sum of one million five hundred thousand pounds, whereby the circumstances, in consideration whereof it was in the aforesaid Act declared, that the public should agree to forego, for the then present time, all participation in the profit arising from the territorial acquisitions and revenues lately obtained in the East-Indies, have ceased and are determined; but whereas, notwithstanding, it may be expedient that the aforesaid territorial acquisitions and revenues should, for a limited time, and under certain conditions and restrictions, remain in the possession of the United Company of Merchants of England trading to the East-Indies: May it, therefore, please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the territorial acquisitions and revenues lately obtained in the East-Indies, shall remain in the possession of the United Company of Merchants of England trading to the East-Indies, and their successors, for and during the term of one year, to be computed from the fifth day of April, in the year of our Lord, one thousand seven hundred and eighty.

The loan of 1773 repaid by the Company to the public, and the bond debt reduced to £1,500,000.

All the territorial acquisitions and revenues lately obtained in the East-Indies, to remain in possession of the Company till April 5, 1781.

VI. Provided always nevertheless, and be it enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the Crown, or of the said Company, after the expiration of this Act; but that the same shall remain, continue, and be, in the same state and condition, in all respects, as though this Act had never been made.

This Act not to affect the rights of the Crown, or of the Company, after the expiration thereof.

---

## 21 GEORGII III. Cap. LXV.

An Act *for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies, for the payment of the sum of four hundred thousand pounds for the use of the Public, in full discharge and satisfaction of all claims and demands of the Public from the time the Bond Debt of the said Company was reduced to one million five hundred thousand pounds, until the first day of March, one thousand seven hundred and eighty-one, in respect of the territorial acquisitions and revenues lately obtained in the East-Indies; and also for securing to the Public in respect thereof, for a term therein mentioned, a certain part or proportion of the clear revenues and profits of the said Company; and for granting to the said Company, for a further term, the sole and exclusive Trade to and from the East-Indies, and limits therein mentioned; and for establishing certain Regulations for the better management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the Military Forces of the said Company.*

IV. And moreover it is hereby enacted by the authority aforesaid, that the said United Company of Merchants of England trading to the East-Indies shall, at all times hereafter for

The Company to enjoy all the profits, privileges, &c. granted

ever, subject as aforesaid, have, hold, and enjoy, and be entitled unto, all and every the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods, of suit, and all penalties and forfeitures, and disabilities, provisions, matters, and things whatsoever, which by any former Act or Acts of Parliament, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, inflicted, limited, established, or declared, to, for, touching or concerning the said Company, or body politic and corporate, either by the name of The General Society, entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions, for the service of the Crown of England, or the said body politic and corporate, called by the name of the English Company trading to the East-Indies, or the said body politic and corporate, now called by the name of the United Company of Merchants of England trading to the East-Indies, and not by this Act altered, or intended to be altered, according to the tenor and true meaning of the said Acts and Charters, freed and discharged from all provisoes and conditions of redemption and determination therein contained; and the same, and every of them, are hereby ratified and confirmed, and shall continue to be held and enjoyed, and be practised, and put in execution, by the said United Company of Merchants of England trading to the East-Indies, and their successors, for the better and more effectual settling and securing to them and their successors, the whole, sole, and exclusive trade to the East-Indies, and parts aforesaid; and for the preventing all other his Majesty's subjects trading thither, and for securing also their possessions, estate, and effects, and governing their affairs and business, in all respects as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things, were severally repeated, and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said Acts and Letters Patent now in force, and not herein or hereby varied or altered, and subject also to the proviso herein-after mentioned.(1)

by former Acts or Charters,

and not altered by this Act.

(1) [Modified by 53 Geo. 3, c. 155, which opened the trade to India, and 3 & 4 Wm. 4, c. 85, which opened the China trade, and suspended altogether the commercial operations of the Company during their retention of the Government of India.]

VIII. And be it further enacted by the authority aforesaid, that all the territorial acquisitions and revenues lately obtained in the East-Indies shall remain in the possession of the United Company of Merchants of England trading to the East-Indies, for and during the term of the exclusive trade granted to the said United Company.(1)

The territorial acquisitions to remain in the possession of the Company.

(1) [The exclusive trade was to terminate upon three years' notice after the 1st March 1791, and repayment of money due to the Company. For further extension of period of Government, *vide* page 13.]

XXV. And be it further enacted by the authority aforesaid, that all and every the rights, interests, powers, privileges, and authorities, which are now vested in the said United Company of merchants of England trading to the East-Indies, and which are not hereby expressly

Reservation of the rights of the Company.

taken away, altered, or varied, shall remain to, and continue in the said Company, in as full and ample a manner, to all intents and purposes whatsoever, as if this Act had never been made.

Regulations relative to raising recruits for the Company's service in India.

XXXII. And whereas it is necessary for the said United Company to keep and maintain a military force in the East-Indies, and the present method of obtaining recruits to keep up the same hath been found very inconvenient and defective; be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the said United Company, by license from his Majesty for that purpose, from time to time to enlist such number of men, being his Majesty's subjects, and of such ages, and for such time, as shall be expressed in such license, to serve them as soldiers in the East-Indies, and to deposit and keep such men, not exceeding two thousand at any one time in time of war, and one thousand at any time in time of peace, at such place or places, in any part of his Majesty's dominions in Europe, as shall be approved of for that purpose by his Majesty, until they can be sent to India; and in case any person or persons so enlisting and engaging, after he shall have signed an agreement for that purpose, and shall have declared before a magistrate, at the distance of twenty-four hours at the least after his first enlisting, that he freely and voluntarily signed such agreement, and is willing to go to and serve the said United Company as a soldier in the East-Indies, shall desert from the place appointed for him to reside at till the time of his embarkation to go to the East-Indies, or shall refuse to perform his agreement, it shall be lawful for any person or persons to apprehend such person or persons, and convey him before a magistrate; and it shall be lawful for such magistrate, on proof of the case, to commit such person or persons to gaol, there to be kept in safe custody, and maintained at the expense of the said United Company, until such person can be sent to India; and it shall be lawful for the said United Company to cause such person or persons to be conveyed in custody on shipboard, to be carried to the East-Indies, in such service as aforesaid.(1)

Deserters may be committed.

(1) [*Vide* 39 Geo. 3, cap. 109; 50 Geo. 3, cap. 87; 57 Geo. 3, cap. 57; and 4 Geo. 4, cap. 81.]

Claims to the territorial acquisitions not affected.

XXXIX. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the public, or the said United Company, respecting the territorial acquisitions and revenues.

## 21 GEORGII III. Cap. LXX.

AN ACT *to explain and amend so much of an Act, made in the Thirteenth Year of the Reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," as relates to the Administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal, under a Judgment of the Supreme Court of Judicature; and also for indemnifying the Governor-general and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court.*

Preamble.

Recital of 13 Geo. 3, c. 63.

Whereas, in virtue of an Act passed in the thirteenth year of his present Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," his Majesty, by his Royal Letters Patent of the twenty-sixth day of March, in the fourteenth year of his reign, did create and constitute a Court of Record, to be within the factory of Fort William, at Calcutta in Bengal, called the Supreme Court of Judicature at Fort William in Bengal, with sundry directions, powers, and authorities, to the said Court, in the said Letters Patent set forth and expressed: and whereas many doubts and difficulties have arisen concerning the true intent and meaning of certain clauses and provisions in the said Act and Letters Patent, and by reason thereof dissension hath arisen between the Judges of the Supreme Court and the Governor-general and Council of Bengal; and the minds of many inhabitants subject to the said Government have been disquieted with fears and apprehensions; and further mischiefs may possibly ensue from the said misunderstandings and discontents, if a seasonable and suitable remedy be not provided: and whereas it is expedient that the lawful Government of the provinces of Bengal, Bahar, and Orissa, should be supported, that the revenues thereof should be collected with certainty, and that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights, and privileges: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Governor-general and Council of Bengal shall not be subject, jointly or severally, to the jurisdiction of the Supreme Court of Fort William in Bengal, for or by reason of any act or order, or any other matter or thing whatsoever, counselled, ordered, or done by them in their public capacity only, and acting as Governor-general and Council.

The Governor-general and Council of Bengal not to be subject to the Supreme Court.

II. And it is hereby enacted and declared, that if any person or persons shall be impleaded in any action or process, civil or criminal, in the said Supreme Court, for any act or acts done by the order of the said Governor-general and Council in writing, he or they may plead the general issue, and give the said order in evidence; which said order, with proof that the act or acts done has or have been done according to the purport of the same, shall amount to a sufficient justification of the said acts, and the defendant shall be fully justified, acquitted, and discharged from all and every suit, action, and process whatsoever, civil or criminal, in the said Court.

Persons impleaded in the Supreme Court for acts done by order of the Governor-general and Council may plead the general issue.

Proviso.

III. Provided always, that with respect to such order or orders of the said Governor-general and Council as do or shall extend to any British subject or subjects, the said Court shall have and retain as full and competent jurisdiction as if this Act had never been made.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 43, the Governor-general in Council is empowered to make laws for all persons and all Courts, without exception.]

The Governor-general and Council to remain liable to any complaint before a competent Court in this kingdom.

IV. Provided also, that nothing herein contained shall extend, or be construed to extend, to discharge or acquit the said Governor-general and Council, jointly or severally, or any other person or persons acting by or under their order, from any complaint, suit, or process, before any competent Court in this kingdom, or to give any other authority whatsoever to their acts, than acts of the same nature and description had, by the laws and statutes of this kingdom, before this Act was made.

If any person making complaint to the Supreme Court against the Governor-general, Members of Council, or persons acting under their orders, shall execute a bond to the Company to prosecute the same in some competent Court in Great Britain, within two years.

such person may compel, by order of the Court, the production of copies of the orders complained of, examine witnesses, &c.

V. And in order to prevent all abuse of the powers given to the Governor-general and Council, be it further enacted, that in case any person, by himself, or his atttorney or counsel, shall make a complaint to the Supreme Court, and enter the same in writing, and upon oath, of any oppression or injury, charging the same to be committed by the said Governor-general or any member or members of the Council, or any other person or persons by or in virtue of any order given by the said Governor-general and Council, and shall execute a bond, with some other person whom the said Court shall deem responsible, jointly and severally, to the United East-India Company, in such a penalty as the Court shall appoint, effectually to prosecute the said complaint, by indictment, information, or action, in some competent Court in Great Britain, within two years of the making of the same, or of the return into Great Britain of the party or parties against whom the same is made; that then, and in such case, the party complaining shall be, and is hereby enabled to compel, by order of the Court, the production in the said Supreme Court of true copy or copies of the order or orders of Council complained of, and to have the same authenticated by the Court, and to examine witnesses upon the matter of the said complaint, and also on the part of the person or persons complained of; and the said parties, as well complaining as complained of, shall have and enjoy severally all manner of advantages, rights, and privileges, relative to proof of the said complaint or defence, and also relative to any *mandamus* or commission to be issued by any of his Majesty's Courts in Westminster Hall, in case the Court upon motion shall think fit to issue the same, as are provided in case of any suit in such cases by an Act of the thirteenth year of his Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the affairs of the East-India Company, as well in India as in Europe;" and the Supreme Court shall have the same powers for the compelling witnesses to appear and be examined, and the same rules and directions shall be observed for the transmitting the depositions of witnesses and other papers to this kingdom, as are provided by the said recited Act.

Authenticated copies of orders and depositions shall be received in evidence in the Courts at Westminster.

VI. And be it further enacted, that all copies so authenticated of orders of the said Governor-general and Council, and also the depositions which shall have been taken in manner aforesaid before the Supreme Court, shall be received in evidence in any of his Majesty's Courts of Law or Equity at Westminster.

VII. And be it further enacted, that no prosecution or suit shall be carried on against the said Governor-general, or any member of the Council, before any Court in Great Britain (the High Court of Parliament only excepted), unless the same shall be commenced within five years after the offence committed, or within five years after his arrival in England.(1)

Limitation of actions.

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 124, and 55 Geo. 3, cap. 84, sec. 9.]

VIII. And be it further enacted, that the said Supreme Court shall not have or exercise any jurisdiction in any matter concerning the revenue, or concerning any Act or Acts ordered or done in the collection thereof, according to the usage and practice of the country, or the regulations of the Governor-general and Council.

Supreme Court not to have any jurisdiction in any matter concerning the revenue.

IX. And, for removing all doubts concerning the persons subject to the jurisdiction of the said Supreme Court, be it enacted, that no person shall be subject to the jurisdiction of the Supreme Court, for or by reason of his being a landowner, landholder, or farmer of land, or of land-rent, or for receiving a payment or pension in lieu of any title to, or ancient possession of, land or land-rent, or for receiving any compensation or share of profits for collecting of rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants in virtue of his farm, or for exercising within the said lands and farms any ordinary or local authority commonly annexed to the possession or farm thereof, within the provinces of Bengal, Bahar, and Orissa, or for or by reason of his becoming security for the payment of the rents reserved or otherwise payable out of any lands or farms, or farms of land, within the provinces of Bengal, Bahar, and Orissa.

No person shall be subject to the jurisdiction of the Supreme Court *on* account of his being a landowner or farmer of land, &c.

X. And be it further enacted, that no person, for or by reason of his being employed by the Company, or the Governor-general and Council, or by any person deriving authority under them, or for or on account of his being employed by a native or descendant of a native of Great Britain, shall become subject to the jurisdiction of the Supreme Court in any matter of inheritance or succession to lands or goods, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses, and also except in any civil suit by agreement of parties in writing to submit the same to the decision of the said Court.

nor for being employed by the Company, &c.

Exceptions.

XI. And for the more perfectly ascertaining those of the natives who shall be subject to the jurisdiction of the Supreme Court, on account of their being employed by any of his Majesty's British subjects; be it enacted, that, on or before the first day of January, one thousand seven hundred and eighty-three, the Governor-general and Council shall cause the name, description, and place of usual abode, of all and every native employed in the service of the East-India Company in any judicial office, or as principal native officer of any district in the collection of revenue, or in any commercial concerns of the Company (except as hereinbefore excepted), to be entered in a book or books alphabetically disposed, distinguishing the district in which the said officers are employed; of which book or books two copies shall be made, one of which shall remain in the provincial office, and the other of which shall be registered in the Supreme Court; and the Governor-general and Council are hereby required to register, or cause to be registered, the name of every person who shall afterwards be appointed to succeed to any office, vacant or new created, within three months of the said appointment or creation.

The name, description, and place *of* abode, of every native employed in the service of the Company, in any judicial office, &c. shall be entered in a book.

XII. And be it further enacted, that whenever any person or persons shall happen to die, or shall be removed from any judicial office or employment whatsoever, in the service of the East-India Company, the name or names of such person or persons so dying or removed, as

On the death of any person employed by the Company, his name shall be entered in a book.

aforesaid, shall be entered in a book or books for that purpose, to be kept in the manner aforesaid.

All British subjects shall enter, in the provincial office, the name and place of abode of their native stewards, agents, &c.

XIII. And it is hereby further enacted, that all and every of his Majesty's British subjects shall, in like manner, cause to be entered in the provincial office of the district in which the said British subject doth most commonly reside, the name, description, and place of abode, of his native steward or stewards, agent or agents, or partner or partners, in any concern of revenue or merchandize (if any such steward, agent, or partner he hath), and in like manner shall enter, or cause to be entered, within three months from the time of succession, or new appointment, or new partnership, the names of him or them who are dismissed, dead, or new appointed, in the said provincial office; and the President of the said Council is directed to transmit, within three months, to Calcutta, the name of every person who shall succeed to the said employment or partnership, for which a fee of one sicca rupee for every entry, and no more, shall be paid to the officer keeping the said register.

Penalty on British subjects employing any native agent, &c. not so registered.

XIV. And be it further enacted, that if any British subject sball be convicted, before the Supreme Court, of employing any native agent, or engaging with any native partner, not registered as herein-before is provided, or who shall be, *bonâ fide*, and in effect and substance, such agent or partner (although by covin, collusion, or deceit, the same may be recovered and concealed, contrary to the true intent and meaning of this Act), the said British subject, if in the Company's service, shall forfeit, on conviction, the sum of five hundred pounds, and if not in the Company's service, shall forfeit one hundred pounds, to any person suing for the same.

No native entitled to any salary before he is registered.

XV. And it is hereby further enacted, that no native shall, after the first day of January, one thousand seven hundred and eighty-three, be entitled to receive any fee or salary, except from the day of the date of his registry.

Penalty on British European subjects engaging in trade with native partners not registered.

XVI. And be it further enacted, that if any British European subject shall engage in any concern of trade with a native partner not registered as herein directed, the said British subject shall not be entitled to recover or receive any sum or sums of money by reason of the said joint concern, or to compel an account thereof, by any suit in law or equity, in any Court within the said provinces; and any person, prosecuting to conviction, in the Supreme Court, a British subject having a native partner or agent not being registered as aforesaid, shall be entitled to and shall recover, by due process of the said Court, the whole of the salary engaged for, and shall also be entitled to an account and receipt of the said British subject's share of profit of any partnership entered into with any person or persons not conforming to the regulations of this Act.

How the Supreme Court shall determine actions between Mahomedan and Gentû inhabitants of Calcutta.

XVII. Provided always, and be it enacted, that the Supreme Court of Judicature at Fort William in Bengal shall have full power and authority to hear and determine, in such manner as is provided for that purpose in the said Charter or Letters Patent, all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta, provided that their inheritance and succession to lands, rents, and goods, and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of Mahomedans, and in the case of Gentûs by the laws and usages of Gentûs; and where only one of the parties shall be a Mahomedan or Gentû, by the laws and usages of the defendant.

The authority of fathers and masters of families, among the natives, to be preserved, &c.

XVIII. And, in order that regard should be had to the civil and religious usages of the said natives, be it enacted, that the rights and authorities of fathers of families and masters of families, according as the same might have been exercised by the Gentû or Mahomedan law, shall be preserved to them respectively within their said families; nor shall any acts done in consequence of the rule and law of caste, respecting the members of the said families only, be held and adjudged a crime, although the same may not be held justifiable by the laws of England.

The Supreme Court may frame such forms of process, &c. in suits against the natives as shall suit their religion and manners.

XIX. And be it further enacted, that it shall and may be lawful for the Supreme Court of Judicature at Fort William in Bengal to frame such process and make such rules and orders for the execution thereof, in suits civil or criminal against the natives of Bengal, Bahar, and Orissa, as may accommodate the same to the religion and manners of such natives, so far as the same may consist with the due execution of the laws and attainment of justice.

Such forms to be transmitted to one of the Secretaries of State for his Majesty's approbation.

XX. Provided always, and be it enacted, that such new forms of process, and rules and orders for the execution thereof, shall be forthwith transmitted to one of his Majesty's principal Secretaries of State, to be laid before his Majesty for his royal approbation, correction, or refusal; and such process shall be used, and such rules and orders shall be observed, until the same shall be repealed or varied, and in the last case with such variations as shall be made therein.

The Governor-general, &c. may determine on appeals, and shall be deemed a Court of Record;

XXI. And whereas the Governor-general and Council, or some Committee thereof or appointed thereby, do determine on appeals and references from the country or provincial courts in civil causes: be it further enacted, that the said Court shall and lawfully may hold all such pleas and appeals in the manner and with such powers as it hitherto hath held the same, and shall be deemed in law a Court of Record; and the judgments therein given shall be final and conclusive, except upon appeal to his Majesty, in civil suits only, the value of which shall be five thousand pounds and upwards.

and shall determine on all offences committed in collecting the revenue, &c.

XXII. And it is hereby further enacted, that the Court aforesaid shall and is hereby declared to be a Court to hear and determine on all offences, abuses, and extortions committed in the collection of revenue, or of severities used beyond what shall appear to the said Court customary or necessary to the case, and to punish the same according to sound discretion, provided the said punishment does not extend to death, or maiming, or perpetual imprisonment.

Governor-general and Council may frame regulations for the Provincial Courts, &c.

XXIII. And it is hereby enacted, that the Governor-general and Council shall have power and authority from time to time to frame regulations for the provincial courts and councils, and shall, within six months after the making the said regulations, transmit or cause to be transmitted copies of all the said regulations to the Court of Directors, and to one of his Majesty's principal Secretaries of State, which regulations his Majesty in Council may disallow or amend; and the said regulations, if not disallowed within two years, shall be of force and authority to direct the said provincial courts, according to the tenor of the said amendment, provided the same do not produce any new expense to the suitors in the said Court.(1)

(1) [*Vide* 3 & 4 Will. 4, cap. 85, sec. 43.]

Judicial officers in the Country Courts not liable to actions for wrong, &c. in the Supreme Court for any judgment, decree, or order.

XXIV. And whereas it is reasonable to render the provincial magistrates, as well natives as British subjects, more safe in the execution of their office: be it enacted, that no action for wrong or injury shall lie in the Supreme Court against any person whatsoever exercising a judicial office in the country courts for any judgment, decree, or order of the said Court, nor against any person for any act done by or in virtue of the order of the said Court.

No rule or other process to be made on information against any such officer, until proper notice has been given to him.

XXV. And be it further enacted, that in case of an information intended to be brought or moved for against any such officer or magistrate for any corrupt act or acts, no rule or other process shall be made or issued thereon, until notice be given to the said magistrate or officer, or left at his usual place of abode, in writing, signed by the party or his attorney, one month, if the person exercising such office shall reside within fifty miles of Calcutta, two months if he shall reside beyond fifty miles, and three months if he shall reside beyond one hundred miles from Calcutta, before the suing out or serving the same, in which notice the cause of complaint shall be fully and explicitly contained; nor shall any verdict be given against such magistrate, until it be proved on trial that such notice hath been given, and in default of such proof, a verdict with costs shall be given for the defendant.

No magistrate liable in such case to arrest, until he shall have declined to appear to answer, &c.

XXVI. And be it further enacted, that no magistrate shall be liable in any such case to any personal caption or arrest, nor shall be obliged to put in bail, until he shall have declined to appear to answer after notice given as directed by this Act, and service of the process directing his appearance by himself or his attorney.

---

The present mode of conducting the Government of India originated in the Act 24 Geo. 3, cap. 25, by which the Board of Control was established; but the whole of that Act was repealed by the 33 Geo. 3, cap. 52, with the exception of the following sections and a few others of a temporary nature.

## 24 GEORGII III. Cap. XXV.

AN ACT *for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies.*

Part of Act 21 Geo. 3, c. 65, repealed.

XXX. And be it further enacted, that so much and such parts of an Act made in the twenty-first year of the reign of his present Majesty as directs the Court of Directors of the said United Company to deliver to the Commissioners of the Treasury, or to the High Treasurer for the time being, or to one of his Majesty's principal Secretaries of State, copies of any letters or orders relating to the management of the revenues, or the civil and military affairs of the said Company; and also all such powers and authorities given to or

vested in the Proprietors and Directors of the said United Company, or in any General or Special Court thereof respectively, in and by any Act of Parliament or Charter, as are contrary or repugnant to this Act, or any thing herein contained, shall be and the same are hereby repealed, any thing contained in any Act or Charter, or any custom or usage, to the contrary notwithstanding.

Part of Act 13 Geo. 3, c. 63, repealed.

XLVII. And be it further enacted, that so much of the aforesaid Act of the thirteenth year of the King's Majesty's reign as subjects any person receiving or accepting gifts or presents to any penalty or forfeiture for so doing, or as directs that such gifts, presents, penalties, or forfeitures shall belong to the said Company, shall be repealed from and after the first day of January, one thousand seven hundred and eighty-five: provided, that no prosecutions or other suits already commenced, or to be commenced before the first day of January, one thousand seven hundred and eighty-five, upon the said Act shall be effected by such repeal.

Method of procedure against British subjects who shall be guilty of extortion, or other misdemeanors, in the East-Indies.

LXIV. And whereas it would conduce to the better government, management, and ordering of the territories, possessions, revenues, and commerce of the said United Company, if some more effectual course than the common law hath provided, were devised for the prosecuting and bringing to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors committed in the East-Indies by British subjects holding offices or employments there under his Majesty, his heirs or successors, or under the said United Company: be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the Coroner and Attorney of our Lord the King, in the Court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose at the instance of any person or persons (and which rule the said Court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said Court to render it proper), or for his Majesty's Attorney-general, or for the Court of Directors or Court of Proprietors of the said United Company, in the name of the said United Company, to exhibit in the said Court of King's Bench an information against any such person for any such offence as aforesaid committed after the first day of March, one thousand seven hundred and eighty-five, whereupon the said Court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid to be attached, and may and shall order him to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Court, there to be detained until he shall be delivered by due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money and with such condition for his appearance, and for satisfying the judgment to be pronounced in and upon such information, as to the said Court in its discretion shall seem meet; and when the defendant shall have appeared and pleaded to the said information, the Chief Justice, or some of the Justices of the said Court of King's Bench, shall within ten days (unless any *mandamus* shall be granted for the examination of witnesses as hereinafter provided, upon a motion to be made within a time to be limited by the said Court of King's Bench for that purpose) deliver the record of the said information and plea to the Lord High Chancellor of Great Britain, or Lord Keeper or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue a commission under the said Great Seal in manner hereinafter provided.

If any person accused shall neglect to appear, &c. the information shall proceed notwithstanding.

LXV. And be it further enacted, that if any person or persons against whom any information shall be exhibited under the authority of this Act shall neglect or refuse, within such respective times as shall be allowed to him or them for those purposes by the rules or according to the discretion of the said Court, to appear and plead not guilty to such information, it shall and may be lawful for his Majesty's Attorney-general or other prosecutor to cause an appearance, and the plea of not guilty to be entered for such person or persons; and the said information shall thereupon proceed as if the party or parties had appeared, and pleaded not guilty thereto.

Within thirty days from the commencement of every session, the House of Lords shall choose by ballot twenty-six Members of their House, and the House of Commons forty of theirs.

LXVI. And be it further enacted, that within thirty days from the commencement of the next and every future session of Parliament, the Lords Spiritual and Temporal shall proceed to choose, nominate, and appoint twenty-six or more Members of their House, and the Commons of Great Britain, in Parliament assembled, forty or more Members of the said House of Commons, to be chosen by ballot; and the Speaker of each House respectively shall cause the list of the said names, so chosen, to be transmitted, under their respective hands and seals, to the Clerk of the Crown in Chancery, or his deputy: And that whenever a commission is to be issued under the Great Seal of Great Britain, by virtue of this Act, the

The lists to be delivered to three Judges appointed by the different Courts.

lists so returned shall be delivered over to such three Judges of the Courts of King's Bench, Common Pleas, or Exchequer, as the said Courts shall for that purpose respectively appoint, one Judge being nominated from each of the said Courts respectively; and if the said lists shall contain more than twenty-six Members of the House of Lords, or forty of the House of Commons respectively, the said Judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both Houses respectively (as the case may happen) to be put into a box or boxes, and twenty-six names of the said Peers, and forty names of the said Commons, to be publicly drawn by lot, in the presence of the said Judges; and that the said three Judges shall have power and authority, and they are hereby required to give notice to all such Members of the two Houses of Parliament, whose names shall have been so returned, or drawn by lot as aforesaid, and also to his Majesty's Attorney-general, or other prosecutor, and also to the party accused, as the case may require, of the time and place to be appointed by the said Judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this Act; and

Names of the Members of either House returned, &c. who shall not attend on receiving proper notice, to be transmitted to the Speaker.

Defaulters to forfeit £500 each.

the names of all such Members of either House of Parliament as shall not attend in consequence of such notice, shall be transmitted to the Speaker of each House respectively, within three days, if Parliament be then sitting, or if not, within three days after the next meeting of Parliament; and all such persons as shall appear to have made default as aforesaid, shall forfeit to his Majesty, his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each House of Parliament respectively to be valid and sufficient: And if any Member of either House of Parliament, whose name shall have been drawn by lot in the presence of the said Judges as aforesaid, shall have departed this life, or shall hold any civil office of profit under the Crown during his Majesty's pleasure, or shall be, or shall have been, a member of the said Board for the affairs of India, or shall be, or shall have been, a Director of the said Company, or shall hold, or shall have held, any office or employment in the service of the said Company in India, then, in each and every such case, another name shall be drawn out of the same box (if any such name there be) instead of the name of such person.

The senior Judge present to be President of the meeting.

LXVII. And be it further enacted, that the senior of the said three Judges present at the respective meetings of the said Special Commissioners shall be the President of such meeting

or meetings: and that all questions, resolutions, and determinations before the said Special Commissioners, shall be by a majority of voices of the Special Commissioners then and there present; and if the voices shall be equal, the then President shall have a second or casting voice.

Twenty-six Members of the House of Peers; how to be chosen.

LXVIII. And be it further enacted, that the Members of the House of Peers hereby directed to be named by the said House for the purposes aforesaid, shall be chosen, nominated, and appointed, in the manner following; (that is to say,) that at any time within thirty days from the commencement of the next and every future session of Parliament, when it shall appear that there are fifty Lords Spiritual and Temporal, at the least, then present, the Lords shall be called; and if there are fifty present, the Lords shall thereupon proceed to deliver in, at the table, lists, each of which lists shall contain the names of twenty-six Lords, and shall be signed by the Lord who delivers such list; which list being delivered in, shall be referred to a Committee of Lords to be then appointed, who shall examine the said lists, and forthwith report to the House the name of every such Lord whose name shall appear on ten such lists; and if the names so returned shall not amount to twenty-six at the least, the Lords present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of twenty-six, and so as often as the case shall happen; and no Lord present when the House shall be called over shall depart until the said lists of twenty-six Peers shall be made as aforesaid.

Manner of choosing the forty Members of the House of Commons.

LXIX. And be it further enacted, that the Members of the House of Commons, hereby directed to be named by that House for the purposes aforesaid, shall be chosen, nominated, and appointed, in the manner following; (that is to say), that at any time within thirty days from the commencement of the next and every future session of Parliament (and after the Speaker of the said House shall have taken the Chair), it shall and may be lawful for any Member, after four of the clock in the afternoon, to require that the doors of the House shall be locked, and that the House shall be told by the Speaker; and if it shall appear that there are two hundred Members or more then present, the Members of the House shall thereupon proceed to deliver in, at the table, lists, each of which lists shall contain the names of forty Members; which lists being delivered in, shall be referred to a Committee of five Members to be then appointed, who shall examine the said lists, and shall forthwith report to the House the name of every such Member whose name shall appear on twenty of the said lists; and if the names so returned shall not amount to forty at the least, the Members present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned should fall short of forty, and so often as the case shall happen; and the doors of the House shall not be opened until the said list of forty Members, or more, shall be fully completed in manner aforesaid.

Names of persons holding offices under the Crown during pleasure, &c. to be struck out of the list.

LXX. Provided always, and be it enacted, that if any of the persons named in such lists shall appear to hold any civil office of profit under the Crown during his Majesty's pleasure, or to be, or to have been, a Member of the said Board for the affairs of India, or to be, or to have been, a Director of the said Company, or to hold, or to have held, any office or employment in the service of the said Company in India; the names of all and every such persons shall be struck out of the said list returned to the House by the said Committee upon such list being read over at the table.

The party to be tried shall have liberty to challenge thirteen

LXXI. And be it further enacted, that the names of all such Members of either House of Parliament, contained in the said lists of twenty-six Peers and of forty Commoners, which

Peers and twenty Commoners.

shall have been drawn by lot in presence of the three Judges as aforesaid, as shall personally appear at the time and place appointed as aforesaid, shall be put into a box, to be drawn out by lot, in presence of the said Judges, and of the parties, or their counsel or agents,

Prosecutor may also make challenges.

and the person against whom such information shall have been exhibited as aforesaid, shall have the liberty, as the names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the Members of the House of Commons, whose

The first four names of the Peers, and the first six of the Commoners, drawn out after the challenges, &c. shall be returned by the Judges to the Lord Chancellor, to be inserted, with those of the said Judges, in a Special Commission, &c.

names shall have been put into the said box; and his Majesty's Attorney-general, or other prosecutor, as the case may happen, shall have power to make challenges to any of the names which shall be so drawn out, and to assign, for cause of challenge any such matter as in the opinion of the three Judges, or the majority of them, shall appear in their discretion sufficient to set them aside, for the purpose of obtaining them equal justice; and the first four names of the said Peers, and likewise the first six names of the said Commoners, which shall be drawn out after the said number of challenges respectively, or which, being drawn out, shall not be so challenged, shall be returned by the said Judges to the Lord High Chancellor, who shall cause the names of the said Peers, and Members of the House of Commons, together with those of the said three Judges appointed as aforesaid, to be inserted in the special commission, to be issued by virtue of this Act; and the persons whose names are so inserted in the commission shall appear, within ten days, at the time and place to be appointed by the said three Judges, and take the following oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal for the time being, or any one of them:—

Oath to be taken by the Special Commissioners.

"I, A. B., do swear, that I will well and truly try and determine, to the best of my judgment, the matter now to be brought before me, according to the evidence that shall be given. So help me GOD."

And in case the challenges shall reduce the number of names so drawn out to less than four Peers and six Commons respectively, then in such case the said three Judges shall certify the same to the respective Houses of Parliament, who shall proceed with all convenient dispatch to appoint and ballot afresh for lists of Members to be transmitted to the Clerk of the Crown, or his deputy, and afterwards to be inserted in a new Commission to be issued in the manner

Their powers.

hereinbefore directed; and the said Special Commissioners shall have full power and authority to hear and determine every such information, and to pronounce judgment thereon, according to the effect of the judgment of the common law, upon convictions had and obtained according to the course of the common law, for extortion, or other misdemeanor; and also to declare the party so convicted incapable of serving the said United Company in any capacity whatsoever; and that such judgment to be pronounced by the said Special Commissioners as aforesaid, in and upon such information, shall be good, and effectual, and conclusive, to all

Their proceedings not to be removed by *certiorari*.

intents and purposes whatsoever; and that no *certiorari* shall be granted by any Court whatsoever, for removing the proceedings of the said Special Commissioners on such information into any Court whatsoever; and the proceedings of the said Special Commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceedings, in any Court of law or equity whatsoever.

Seven Commissioners to make a quorum.

LXXII. Provided always, and be it further enacted, that it shall and may be lawful to and for the said Special Commissioners, or any seven or more of them, (of whom one of the said three Judges, at the least, shall always be one), to hear and determine every such information, and from time to time to adjourn, as they shall think fit; and in case any number of the said Special Commissioners shall, before the said Commission shall have been fully

executed, depart this life, or be rendered incapable of acting, so that the number of the said Special Commissioners shall be reduced to six; or if all the said three Judges shall happen to die, or be rendered incapable of acting, whilst the said Commission shall be depending, then, and in either of such cases, and from thenceforth, the said Commission, and the force and effect thereof shall cease, and a new Commission shall be awarded for hearing the matter of such information for which such former Commission was issued, and the proceedings therein shall begin *de novo*; save only and except with respect to the examination or deposition of any witnesses (if any) which shall have been taken in writing under the said former Commission; which examinations or depositions shall and may be received and admitted as evidence under such new Commission.

When the Commissioners shall, by death, &c. be reduced to six, the Commission shall be void, and a new one awarded.

LXXIII. And be it further enacted, that the said Special Commissioners shall nominate and appoint a fit and proper person or persons to act as their Register or Registers in the execution of the said Commission: and when and so soon as the said Commission shall have been fully executed, the said Commission, and the information and plea, and the judgment had thereupon, and all the depositions and examinations, and other proceedings concerning the premises, shall be delivered over by such Register or Registers unto the Clerk of the Crown in the Court of King's Bench, to be kept and recorded in that Court.

Commissioners to appoint a Register.

LXXIV. And be it further enacted by the authority aforesaid, that subpœnas requiring the attendance, before the Special Commissioners to be appointed under this Act, of any witness or witnesses as or on behalf of any person or persons prosecuted under the authority of this Act, may be issued out of the Crown Office of the Court of King's Bench; and in case any witness, having due notice of such subpœna, shall not attend in obedience to such subpœna, his non-attendance shall be deemed a misdemeanor, and subject him to be indicted; and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said Special Commissioners to punish such witness by fine or imprisonment, at their discretion.

Subpœnas may be issued for the attendance of witnesses.

Non-attendance to be deemed a misdemeanor.

LXXV. And be it further enacted, that the said Special Commissioners have full power and authority, by virtue of this Act, to send for persons, papers, and records, and to examine all witnesses, who shall come or be brought before them, upon oath, to be taken before them, and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into writing, and to be signed and subscribed by such witnesses respectively; and if any person brought before the said Special Commissioners shall prevaricate in his evidence, or shall otherwise misbehave himself before the said Special Commissioners, the said Special Commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet, or the gaol of Newgate, there to remain for such time as the said Special Commissioners shall appoint, unless the said Commissioners shall order them to be released sooner, which they are hereby empowered to do; and if any such witness shall wilfully give any false evidence before the said Special Commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly.

Commissioners may send for persons, papers, and records;

and may commit prevaricators to the Fleet, &c.

LXXVI. And be it further enacted, that the recognizance to be entered into as aforesaid, shall bind the property of all and singular the goods and chattels, which were the goods and chattels of the principal party entering into such recognizance at the time of his entering into the same, or which he shall or may acquire at any time afterwards, and before he shall be

The recognizance aforesaid shall bind all the goods of the principal party at the time of entering into the same, &c.

discharged from such recognizance; and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seized or possessed, or whereof any person or persons, in trust for the party so entering into such recognizance (at the time of his entering into the same, or at any time afterwards, and before he shall be discharged therefrom) shall be seized or possessed.

Where the party shall be found guilty, and adjudged to pay a fine, he may be examined by interrogatories in the Court of Exchequer as to his estate and effects:

If he shall not appear, or refuse to answer, &c. he shall forfeit all his estate, and be committed.

LXXVII. And be it further enacted, that where the party against whom such information shall have been exhibited as aforesaid shall be adjudged to be guilty of the crime charged in such information, and shall be adjudged to pay a fine unto his Majesty, his heirs and successors, that it shall and may be lawful for his Majesty's Attorney-general, or for the said United Company, or other prosecutor, to exhibit interrogatories before the Court of Exchequer, for the examination of the party adjudged to pay such fine as aforesaid, as to his estate and effects sufficient to answer the same fine; and if the said party shall not appear, or shall refuse to answer to such interrogatories, or shall wilfully conceal any part of his estate or effects, hereinbefore declared to be bound by such recognizance as aforesaid, or which shall by law be liable to be extended in satisfaction thereof, such party, on his default of appearance before such Court, or on his refusal to answer such interrogatories, shall forfeit to the King's Majesty, his heirs and successors, all and singular his goods and chattels, lands, tenements, and hereditaments whatsoever, and shall be liable to be imprisoned in the gaol of Newgate, or the Tower of London, for such time as the said Court of Exchequer shall direct.

Depositions of witnesses taken in India, and transmitted to the Court of King's Bench, may be read before the Special Commissioners, and shall be deemed competent evidence.

LXXVIII. And whereas the provisions made by former laws, for the hearing and determining in England offences committed in India, have been found ineffectual by reason of the difficulty of proving, in this kingdom, matters done there; be it further enacted by the authority aforesaid, that in all cases of informations laid or exhibited by virtue of this Act in the said Court of King's Bench, for misdemeanors or offences committed in India, it shall and may be lawful for his Majesty's said Court, upon motion to be made on behalf of his Majesty's Attorney-general, or other prosecutor, or of the defendant or defendants, to award a writ or writs of *mandamus*, requiring the Chief Justice and Judges of the Supreme Court at Fort William in Calcutta for the time being, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are hereby respectively authorized and required accordingly to hold a Court with all convenient speed for the examination of witnesses, and receiving other proofs concerning the matters charged in such informations respectively; and in the mean time to cause such public notice to be given of the holding the said Court; and to issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and to adjourn from time to time as occasion may require; and such examination as aforesaid, shall be then and there openly and publicly taken, *viva voce*, in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of such Court, be reduced into one or more writing or writings on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Supreme Court; and one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same; which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court of his Majesty's Court of King's Bench, in the

public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or in what manner the same came into his hands), and that the same has not been opened or altered since he so received it, (which said oath such clerk in Court is hereby authorized and required to administer); and such depositions, being duly taken and returned, according to the true intent and meaning of this Act, shall be allowed and read before the said Special Commissioners, and shall be deemed as good and competent evidence as if such witness had been present, and sworn and examined *viva voce*, at any trial before the said Special Commissioners, for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding; and all parties concerned shall be entitled to take copies of such depositions at their own costs and charges; and the Chief Justice of the said Court of King's Bench, or one of the Judges of the said Court, shall, with all convenient speed after such deposition shall have been so received, together with the said information and plea, cause the same to be delivered over to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the great seal of Great Britain, who shall thereupon issue the Commission under the great seal, in the manner by this Act directed.

Chief Justice of the King's Bench, &c. to deliver the deposition, &c. to the Lord Chancellor.

LXXIX. Provided always, and it is hereby further enacted, that no information, or plea, or deposition, which by this Act is directed to be delivered over by the Chief Justice of the Court of King's Bench, or one of the Judges of the said Court, to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, shall be so delivered over, at any other time than during some one of the three usual and accustomed terms hereinafter mentioned; that is to say, Hilary Term, Easter Term, or Michaelmas Term.

Restriction as to the delivery thereof.

LXXX. And, in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country, by such evidence as the nature of the case will render practicable; be it further enacted, that in all proceedings upon such information as aforesaid, as well as the depositions taken under such commission or commissions, after the publication thereof, as also all writings which shall have been transmitted from the East-Indies to the Court of Directors of the said United Company, by their officers or servants resident in the East-Indies, in the usual course of their correspondence with the said Court of Directors, and copies of all writings which shall have been transmitted by the said Court of Directors, or by any committee thereof, to the officers and servants of the said United Company resident in the East-Indies, and which in any manner relate to the subject matter of the charge to be contained in such information, or to the defence to be made thereto, may be admitted by the said Commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent, unless upon objections arising from the nature of the contents of the said writings; subject nevertheless to be impeached, in point of credibility, by such observations and objections as the nature of such evidence, or other circumstances may suggest; any rule of the common law to the contrary notwithstanding.

Writings received by the Court of Directors from India, and copies of writings sent by the Court to their servants there, relative to the charge in the information, &c. may be admitted by the Commissioners as evidence.

LXXXI. And be it further enacted, that the said Court of King's Bench shall have power and authority, at the prayer of his Majesty's Attorney-general, or other prosecutor, or of the party against whom such information shall be exhibited, to order an examination *de bene esse*, of witnesses, upon interrogatories to be had and taken before an examiner to be by them appointed for that purpose, or by commission, as the case shall require, and to cause the depositions of such witnesses to be published, when the same shall appear to them to be proper and necessary; and which depositions shall be afterwards admitted to be read in evidence before

Court of King's Bench, at the prayer of the prosecutor, &c. may order an examination of witnesses upon interrogatories, &c.

the said Commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid; saving all just exceptions to be taken to such depositions, when the same shall be offered to be read as aforesaid.

Limitation of prosecutions.

LXXXII. And be it further enacted by the authority aforesaid, that no prosecution in consequence of this Act shall be commenced, unless within the space of three years after the return of the party prosecuted into Great Britain, or within three years after the delivery of the inventory or particular required by this Act.(1)

(1) [The provisions respecting the delivery of the inventories here alluded to were repealed by 26 Geo. 3, cap. 57. The same Act varies several of the above provisions respecting the Court of Judicature for the trial of offences committed in India.

Not to affect claims respecting territorial acquisitions.

LXXXIII. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the public, or the said United Company, respecting the said territorial acquisitions and revenues.

---

## 26 GEORGII III. Cap. XVI.

AN ACT *to explain and amend certain provisions of an Act, made in the twenty-fourth year of the reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East-India Company.*

By the 33 Geo. 3, cap. 52, the whole of this Act is repealed, except such parts as repeal former Acts. The only sections which fall within the exception are the third and fifth, which repeal certain parts of the 24th Geo. 3, cap. 25; but the whole of that Act (excepting parts which relate to certain temporary arrangements, to the new Court of Judicature for trying offenders, or which go to repeal former Acts) having been repealed by the said 33 Geo. 3, cap. 52, it is unnecessary to print those sections here.

## 26 GEORGII III. Cap. LVII.

AN ACT *for the further Regulation of the trial of Persons accused of certain offences committed in the East-Indies; for repealing so much of an Act, made in the twenty-fourth year of the reign of his present Majesty (intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies"), as requires the Servants of the East-India Company to deliver Inventories of their Estates and Effects; for rendering the Laws more effectual against Persons unlawfully resorting to the East-Indies; and for the more easy proof, in certain cases, of Deeds and Writings executed in Great Britain or India.*

Preamble.

Recital of Act 24 Geo. 3, c. 25.

Whereas by an Act made in the twenty-fourth year of his Majesty's reign, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies," divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the East-Indies by British subjects, in the service of his Majesty, or of the said Company; and particularly for constituting a special Court of Judicature for the trial of any information to be exhibited in his Majesty's Court of King's Bench, against such offenders, under and by virtue of a Commission, to be awarded under the Great Seal of Great Britain, directed to four Members of the House of Peers, six Members of the House of Commons, and three of the Judges of his Majesty's Courts of Law at Westminster, such Members and Judges to be selected and chosen in the manner prescribed by the said Act; and the said Special Commissioners, to be so constituted by such Commission, or any seven or more of them, (of whom one of the said three Judges was to be one), were, by the said Act, invested with full power and authority to hear and determine every such information, and to pronounce judgment thereon, according to the effect of the judgment at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: and whereas the selection of the Members of the said respective Houses of Parliament, for the purposes aforesaid, may be rendered more easy and convenient: and whereas it is judged expedient, that, instead of seven, not less than ten Commissioners, to be constituted by such Commission as aforesaid, should have authority to hear and determine any such information, and, for that purpose, that a greater number of Members of each House of Parliament than is directed by the said Act, should, together with the said three Judges, be named and authorized as Commissioners in and by such Commission: and whereas it is also expedient, that for giving greater vigour and efficacy to the proceedings and judgments of the said Special Commissioners, further regulations should be provided and established: May it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the Members of the House of Lords, by the said Act directed to be named by the said House

for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, anything in the said recited Act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the House of Lords in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the table, lists inclosed in covers, sealed up, and having the words East-India Judicature, and their respective names or titles of honour by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper hand-writing; every such list containing the names or titles of twenty-six Peers; and that, on the first sitting day after the expiration of the said thirty days, the Clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, shall prepare and lay upon the table of the said House, a list of the names or titles of the Lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said House, the said covers shall be opened by the Clerk of the Parliaments, or his deputy or assistant, or such other person as the said House shall direct, by the order of the Speaker of the said House, during the sitting of the said House, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said House to a committee, who shall examine the same, and within such time as the said House shall direct, report to the House the name or title of every Lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective Members so returned shall not amount to twenty-six Members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in fresh lists in covers sealed up, and indorsed in the manner hereinbefore directed, each of such lists containing a number of names or titles of Members of the said House, equal to that number by which the list returned by the committee shall, exclusively of the Members struck out as aforesaid, fall short of twenty-six; and the said covers shall be opened, and the lists disposed of, referred, and proceeded upon after the end of the said seven days, in the manner herein-before directed in respect to the said former lists.

Within the first thirty sitting days of every Session, lists of twenty-six names to be delivered in, sealed up, by the Members of the Upper House, from which shall be selected twenty-six Peers;

II. And be it further enacted by the authority aforesaid, that the Members of the House of Commons, to be named by that House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, anything in the said recited Act contained to the contrary notwithstanding; (that is to say), that within the first thirty sitting days of the said House in every future Session of Parliament, the Members of the said House, or any of them, may respectively deliver in, at the table, lists, inclosed in covers, sealed up, and having the words "East-India Judicature," and their respective names, indorsed on the outside thereof, in their respective proper hand-writing, each of which lists shall contain the names of forty Members of the said House; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the said House, or his deputy or assistant, or such other person as the House shall direct, shall prepare, and lay upon the table, the names of all the Members who shall have delivered such lists; and that on the next sitting day of the said House, the clerk of the said House, or any or either of such other persons as aforesaid, shall, at the table, during the sitting of the said House, by the order of the Speaker, take the lists out of the said covers, and put the said lists together in a box; and the said lists shall be immediately referred, by the said House, to a Committee, who shall examine the same, and within such time as the House shall direct, report to the House the name of every Member whose name shall appear in twenty or more of the said lists; and if the names so returned

and in the same period, like lists of forty Commoners to be delivered in, from which shall be selected forty Members.

shall not amount to forty at the least, exclusively of such of the said Members therein named as shall be struck out of the said lists according to the directions of this Act, the Members of the said House, or any of them, may, on any of the next seven sitting days of the said House, deliver in at the table of the said House fresh lists, in covers, sealed up and indorsed in the manner hereinbefore directed, each list containing a number of names of Members of the said House equal to that number by which the list returned by the said Committee shall, exclusively of such of the said names as shall be so struck out, fall short of forty, and the said lists shall be opened, disposed of, referred, and proceeded upon, after the end of the said seven days, in the manner hereinbefore directed in respect to the said former lists: And the like order and course respectively as aforesaid shall be taken in each House of Parliament, until the said numbers of twenty-six Members of the House of Lords, and forty Members of the House of Commons, shall have been returned to the said respective Houses, by the Committees to whom the said lists shall be referred, exclusively of such of the Members so returned as shall be struck out of the said lists according to the directions of this Act.

Persons holding offices under the Crown during pleasure, &c. to be struck out of the lists.

III. Provided always, and be it enacted, that if any of the persons named in any of the lists returned by the said respective Committees, shall appear to hold any civil office of profit under the Crown, during his Majesty's pleasure, or to be, or to have been, a Commissioner for the affairs of India, or to be, or to have been, a Director of the said Company, or to hold, or to have held, any office or employment in the service of the said Company in India, the names of all and every such persons shall be struck out of the said lists, by the order of the said respective Houses of Parliament.

Mode of delivering in of lists left to the Houses of Parliament, if that provided be found inconvenient.

IV. Provided also, and be it further enacted, that if the delivery of the said lists at the tables of the respective Houses of Parliament, in the manner directed by this Act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said Houses, by their order or orders, to substitute such other mode for the delivery of such lists as the said Houses shall respectively think fit, and that the said lists shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; anything hereinbefore contained to the contrary notwithstanding.

The party accused may challenge thirteen Peers and twenty Commoners, contained in the lists, as the names are drawn by lot in the presence of the Judges, according to the recited Act.

V. And be it further enacted, that the names of the twenty-six Peers, and forty Members of the House of Commons, which shall have been so chosen by the said respective Houses of Parliament, or the names of the twenty-six Peers, and forty Members of the House of Commons, which (in case the said lists of both or either of the said Houses shall happen to contain a greater number of Members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former Act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said Act directed, shall be put into a box, to be drawn by lot, in the presence of the Judges, to be appointed according to the directions of the said recited Act, and of the parties to the information to be tried, or their counsel or agents: And the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the Members of the House of Commons, whose names shall have been put into the said box; and his Majesty's Attorney-general, or other prosecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three Judges, or the majority of them,

Prosecutor may challenge the same number.

shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice; and the first five names of the said Peers, and likewise the first seven names of the said Members of the House of Commons, which being drawn out shall not be so challenged, or against whom no challenge shall have been allowed, shall be returned by the said Judges to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners, for the custody of the great seal of Great Britain, who shall cause the said five Peers, and the said seven Members of the House of Commons, by their respective proper names or titles of honour, together with the names of the said three Judges, to be inserted in the Special Commission to be issued by virtue of the said recited Act, and of this present Act; and the persons who shall be so named and authorized in and by the said Commission, shall appear within ten days, at the time and place to be appointed by the said three Judges, and shall then and there take the following oath, before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the great seal of Great Britain, for the time being, or any one of them:

The first five Peers, and the first seven Commoners, whose names shall be drawn out and not challenged, to be, with the three Judges, appointed Special Commissioners.

Commissioner's Oath.

"I, *A. B.*, do swear, that, as a Commissioner appointed by his Majesty's Commission "for the trial of the information now at issue against *C. D.*, I will diligently attend "such trial, and that I will hear and determine the same to the best of my judgment, "according to the evidence which shall be given.

"So help me GOD."

If challenger reduce the number to less than five Peers and seven Commoners, new lists to be made out.

VI. And be it further enacted, that if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five Peers and seven Members of the House of Commons respectively, then, and in such case, the said three Judges shall forthwith certify the same to the Speakers of the respective Houses of Parliament, who shall lay the same before the said Houses respectively; and the said Houses shall respectively proceed, within any of the next seven days on which the said Houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six Members of the House of Lords, and forty Members of the House of Commons, after the manner and course aforesaid, the lists of which said respective Members so chosen and appointed, shall be transmitted to the Clerk of the Crown in his Majesty's High Court of Chancery, or his deputy, and be inserted in a new Commission, to be issued in the manner hereinbefore and in the said former Act directed: Provided always, that no day on which the House of Commons shall have adjourned, for want of the presence of a sufficient number of Members to execute the provisions of the several Acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of Members to serve in Parliament, shall be accounted one of the sitting days of the said House, for any of the purposes of this Act.

Power of the Commissioners.

VII. And be it further enacted, that the said Special Commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgment thereon according to the effect of the judgment of the common law upon convictions had and obtained according to the course of the common law for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's Majesty, his heirs or successors, or the said United Company, in any capacity whatever; and such judgment so pronounced by the said Special Commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *certiorari* shall be granted for removing the proceedings of the said Special Commissioners, on such information into any Court whatever; and the proceedings of the said Special Commissioners shall not be impeached, or

the validity thereof questioned, in any action or suit, or other proceeding, in any Court of law or equity.

Ten Commissioners competent to act.

VIII. Provided always, and be it enacted, that all and every the powers and authorities given and granted by the said recited Act, and by this present Act, unto the said Special Commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three Judges shall always be one), and that no act done or executed by or before the said Commissioners, unless ten or more of the said Commissioners (of whom one of the said three Judges shall be one) shall be present at the doing or executing thereof (save and except in the particular cases hereinafter specially provided), shall be valid or effectual; any thing in the said former Act contained to the contrary notwithstanding.

Majority to determine, and the President to have a casting vote.

IX. Provided also, and be it further enacted, that whenever the said Special Commissioners shall not concur in opinion, upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said Commissioners who shall be then present, so that the number of Commissioners then present be not less than ten as aforesaid; and if the said Commissioners shall at any time be equally divided in opinion, on any question or matter depending before them, the Judge then sitting as president shall have two voices, or the casting vote.

If by death, or otherwise, the number should be reduced under ten, a new Commission to be made out.

X. And be it further enacted, that if any of the said Special Commissioners shall depart this life, or be excused from attending in the manner by this Act directed, before the said Commission shall have been fully executed, so that there shall not be a sufficient number of Commissioners to proceed in the due execution of such Commission, according to the true intent and meaning of this Act; or if all the said three Judges shall happen to die, or be excused from attending in the manner by this Act directed, whilst the said Commission shall be depending; then, and in either of such cases, and from thenceforth, the said Commission, and the force and effect thereof, shall cease, and a new Commission shall be awarded for hearing the matter of such information, for which such former Commission was issued, and the trial of such information shall begin *de novo*; save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the said former Commission, which examinations or depositions shall and may be received and admitted as evidence under such new Commission.

Commissioners to attend during the whole trial, unless absent by leave.

XI. And be it further enacted, that the said Special Commissioners shall severally attend in Court during the whole trial for which they shall be appointed as aforesaid, and none of the said Commissioners shall in anywise absent himself from the same (except as hereafter is provided); and the said Court shall at no time proceed in the said trial until all the said Special Commissioners, not having obtained such leave of absence, or not having been excused as hereinafter is provided, shall be met and assembled; and if the said Special Commissioners (except as aforesaid) shall not all meet and assemble within the space of one hour after the time to which they shall have adjourned, such of them as shall be then present, or the major part of them shall make an order for a further adjournment of the trial, in which order the cause of such further adjournment shall be expressed, and a copy of such order, signed by the register to the said Commissioners, shall be served upon, or left at the usual or last place or places of abode of, the said absent Commissioner or Commissioners respectively; and at such further adjourned meeting the cause of his or their absence shall be inquired into by the Special Commissioners who shall be then present, before the said Commissioners shall proceed to any other

If all do not meet, the majority present may adjourn.

Cause of absence to be inquired into.

business; and if it shall not be made appear, to the satisfaction of the said Commissioners, by facts specially stated, and verified before them upon oath (or, in the case of such facts being verified by a Peer of the realm, then upon his honour) that such absent Commissioner or Commissioners was or were, by sudden accident, or by necessity, prevented from attending at the said former sitting, it shall and may be lawful for the Special Commissioners then present, or the major part of them, to pass such censure upon such Commissioner or Commissioners who shall have been so absent, as they shall think fit, and also to impose upon such Commissioner or Commissioners respectively, for such neglect of duty, or upon any Commissioner or Commissioners who shall depart from the said Court during the sitting, and before an adjournment thereof, such fine or fines as the said Commissioners, or the greater number of them then present, shall think fit, so that no such fine shall exceed the sum of five hundred pounds; which fine or fines shall be forthwith estreated by one or more of the said three Judges, into the Court of Exchequer, and the like process shall be awarded by the said Court of Exchequer, for levying the said fine or fines for his Majesty's use, as is usually awarded for the levying of other fines estreated into the said Court of Exchequer; and the said Special Commissioners shall also have full power and authority to order or declare, that any Commissioner or Commissioners who shall be so censured, or on whom any such fine or fines shall be imposed, shall be disabled from acting in the further execution of such Commission.

Absentees may be censured or fined, and disabled from acting.

How fines are to be levied.

XII. Provided always, and be it further enacted, that it shall and may be lawful for the said Commissioners, or the greater number of them, to grant leave of absence to any of the said Commissioners, upon proof, to their satisfaction, of sickness or other urgent occasion; and such of the said Commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such Commission; any thing contained in the said former Act, or in this Act, to the contrary notwithstanding.

Leave of absence may be granted to Commissioners, but being absent during part of trial, are not again to sit.

XIII. Provided also, and be it further enacted, that, after the trial of any information shall have commenced and been begun by and before the said Special Commissioners, the said Commissioners shall sit every day, Sunday, Christmas-day, and Good Friday, only excepted; and the said Commissioners shall never adjourn for a longer time than twenty-four hours, unless a Sunday, Christmas-day, or Good Friday, shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such Sunday, Christmas-day, or Good Friday: provided also, that if the number of the said Special Commissioners capable of acting in the execution of such Commission, according to the directions of this Act, shall by death or otherwise, be reduced to ten, and any of such ten Commissioners shall be prevented by sudden accident, or by necessity, from attending such trial, the said other Commissioners, or the greater number of them, shall and may, at their discretion, adjourn and suspend the proceedings upon such trial, from time to time, as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not, in the whole, exceed ten adjournments; any thing hereinbefore contained to the contrary notwithstanding.

During a trial, the Commissioners not to adjourn for more than twenty-four hours, except on occasions herein specified.

XIV. And be it further enacted, that it shall and may be lawful to and for the said Special Commissioners to constitute and appoint such clerks, tipstaffs, messengers, and other officers, to attend upon them in the execution of their said Commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the

Commissioners may appoint clerks, &c. who may be removed, &c.

said Commissioners, as the said Commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon, and subject and obedient to the said Commissioners, and may be suspended, removed, or discharged, or be punished by fine or fines, to be imposed by the said Commissioners, for any neglect of duty or disobedience, at the discretion of the said Commissioners; which fines shall be estreated into his Majesty's Court of Exchequer, by one or more of the said three Judges, and shall and may be levied and recovered for his Majesty's use, by the process of the said Court; and all and every of such clerks and other officers shall be paid by the parties informant or informants, and defendant or defendants, named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's Court of King's Bench, upon trials of informations for misdemeanors prosecuted in the said Court, are entitled to receive from the parties thereto respectively, according to the stations and duties of such officers respectively.

How clerks, &c. are to be paid.

XV. And be it further enacted, that whenever an information shall be exhibited in the said Court of King's Bench, against any person or persons, for the crime of extortion, or other misdemeanor, committed in the East-Indies, in every such case, upon a certificate from the coroner and attorney of our Lord the King, (commonly called the Clerk of the Crown in the Court of King's Bench, or the Master of the Crown-office in the said Court), or any or either of his sworn clerks in the said office, that such information hath been filed, (which information, in case the same shall be filed when the Court of King's Bench shall not be sitting, shall be considered as filed on the last day of the preceding term), it shall and may be lawful to and for the Lord Chief Justice, or any of the other Judges of the said Court, at the instance of such prosecutor or prosecutors, to issue his warrant, under his hand and seal, directed to all sheriffs, mayors, bailiffs, constables, and other peace officers, and to such other person or persons as shall be named for that purpose by such prosecutor or prosecutors, for apprehending and attaching the party or parties, defendant or defendants to such information; and if such party or parties shall escape or go into, reside, or be in any place within that part of Great Britain called Scotland, it shall and may be lawful for the sheriff or steward depute or substitute, or any justice of the peace of the county or place into which such party or parties shall escape or go, or in which he or they shall reside or be, to indorse his name on the said warrant; which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all sheriffs' officers, stewards, officers, constables, and other peace officers of the said county or place, by the sheriff, steward depute or substitute, or justice of the peace whereof such warrant shall be so indorsed, to execute the said warrant in the same county or place, by apprehending the party or parties against whom such warrant shall have been granted, and to convey and bring such party or parties in safe custody before the said Court of King's Bench, or before the Lord Chief Justice or any of the Judges of the said Court, to be further dealt with according to the directions of the said former Act, and this present Act.

Court of King's Bench may issue out warrants for apprehending persons accused of extortion, &c. in the East-Indies.

XVI. And be it further enacted, that it shall and may be lawful to and for the party or parties against whom any such information shall be exhibited as aforesaid, (not being attached) to surrender himself or themselves in the said Court of King's Bench at any time during the sitting of the said Court, to be dealt with according to the directions of the said former Act, and this present Act, or if the said Court shall not be sitting, unto the said Lord Chief Justice, or any other of the Judges of the said Court; and that when and so often as any such party or parties shall surrender himself or themselves out of Court as aforesaid, or shall,

Parties informed against to be committed, or to find bail.

during any vacation, or when the said Court shall not be sitting, be attached and brought before the said Lord Chief Justice, or other Judge, under any warrant or attachment issued by virtue of the said former Act or this present Act, the said Lord Chief Justice, or other Judge, shall and may order such party or parties to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Lord Chief Justice, or other Judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for submitting to the judgment to be pronounced in and upon such information, as the said Lord Chief Justice, or other Judge, shall in his discretion order and direct. Provided always, that it shall and may be lawful for the said Commissioners to order any person in custody, under the provisions of this Act, to be from time to time brought up and remanded in such manner as to the said Commissioners shall seem meet.

Mode of proceeding when parties abscond.

XVII. And be it further enacted, that when and so often as any party or parties, against whom any such information as aforesaid shall be exhibited, shall not be attached, or shall not have surrendered as aforesaid, and proof shall be made, by any affidavit or affidavits, to the satisfaction of the said Court of King's Bench, that such party or parties is or are beyond the seas, or that upon inquiry at his or their usual place or places of abode, or last known place or places of residence in Great Britain, he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information; then, and in such case, the said Court shall and may make a rule or order, directing and appointing such party or parties to surrender himself or themselves in the said Court, or to the Lord Chief Justice, or one of the other Judges of the said Court, at a certain day in and by such rule or order to be limited and expressed, at the discretion of the said Court; and a copy of such rule or order shall, within twenty days after the making thereof, be inserted three several times in the *London Gazette*; and another copy of such rule or order shall, within the time aforesaid, be affixed in some conspicuous and public place in the India-House: and if the said party or parties shall not surrender himself or themselves respectively, according to the tenor of such rule or order, within the time therein to be limited for that purpose, or within such further time as the said Court shall appoint or direct (which the said Court is hereby empowered to do, on application being made on the behalf of such party or parties, if the said Court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's Attorney-general, or other prosecutor, by rule and leave of the said Court (which rule and leave the said Court is hereby empowered to grant) to cause an appearance, and the plea of not guilty, to be entered for such party or parties charged by the said information; and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

Notice of trial to be given.

XVIII. Provided always, and be it further enacted, that in all cases where the plea of not guilty shall be entered for the party or parties, defendant or defendants to any information, by the prosecutor or prosecutors thereof, by virtue and according to the directions of this Act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days' notice of the day appointed for the trial thereof, by advertisement in the *London Gazette*; any law, usage, or practice, to the contrary notwithstanding.

Judgment to be pronounced by the Commissioners, though the parties do not appear.

XIX. And be it further enacted, that if any party or parties charged by any such information as aforesaid, shall make default in his or their personal appearance, at the pronouncing of judgment, in the matter of such information, by and before the said Special Commissioners; it nevertheless shall and may be lawful for the said Commissioners to pronounce judgment upon such information, in the same manner as if the said party or parties was or were personally present; and every such judgment shall be as valid, effectual, and conclusive, to all intents and purposes whatever, as if the said party or parties had been personally present at the pronouncing thereof; any law or usage to the contrary notwithstanding.

Parties during tria may be committed.

XX. And be it further enacted, that whenever the party or parties charged by any such information shall personally appear before the said Special Commissioners, on the hearing or trial thereof, it shall and may be lawful to and for the said Special Commissioners, at any time during the course of such trial, to order such party or parties to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the gaol of Newgate, at the discretion of the said Special Commissioners, there to be detained until judgment shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said Commissioners.

Disturbers of the Court may also be committed.

XXI. And be it further enacted, that if any person or persons shall be guilty of any contempt or disturbance in the Court of the said Commissioners, during the sitting of the Court, it shall and may be lawful to and for the said Commissioners to order such person or persons to be taken into custody, by any officer or officers to be appointed by the said Commissioners to attend the said Court, and to stand committed to the prison of the Marshalsea, or the gaol of Newgate, at their discretion, to be there kept for such time as the said Commissioners shall order and direct.

Judgments of the Commissioners to be executed by the Court of King's Bench, and to be final.

XXII. And be it further enacted, that the judgments which shall be made and pronounced by the said Special Commissioners, according to the directions, and under the authority of the said recited Act, and this present Act, shall, when and so soon as the said judgments and other proceedings shall have been delivered over, by the Register to the said Commissioners, to the Clerk of the Crown in the said Court of King's Bench (otherwise called the Coroner and Attorney of our Lord the King, or the Master of the Crown Office in the said Court), in the manner directed by the said former Act, be executed and enforced by the authority of the said Court of King's Bench, and such proceedings to outlawry, and other proceedings against the several and respective defendants thereto, shall and may be had thereon, in the like manner as, according to the course and practice of the said Court, may be had upon judgment made and pronounced by the said Court; and the judgments of the said Special Commissioners shall be final and conclusive, to all intents and purposes whatever, and shall not be arrested, defeated, reversed, or avoided, or liable to be arrested, defeated, reversed, or avoided, for or by reason or means of any error, defect, or want of form in any such judgment, or in the information whereon the same shall be given or pronounced, or in the award of any process thereon, or in the record of the issue for the trial thereof; any law, statute, or usage to the contrary notwithstanding.

This, or the recited Act, not to deprive persons of any right they are entitled to by law, &c.

XXIII. Provided always, and be it further enacted and declared, that nothing in the said recited Act, or in this present Act contained, shall extend, or be construed to extend, to deprive the prosecutor or prosecutors of any such information as aforesaid, or the party or parties, defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of practice of the Court of King's Bench, such prosecutor

or prosecutors, defendant or defendants, is or are, or would, could, or might have been entitled, upon any other information of a like nature, depending in the said Court of King's Bench, before issue in fact joined therein; nor to prevent or restrict the said Court of King's Bench from exercising any such power or authority as would, could, or might have been legally exercised by the said Court of King's Bench, in the matter of any such information, before issue in fact joined therein, if the said former Act, or this present Act, had not been made; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

Mode of proceeding where demurrers are entered.

XXIV. Provided also, and be it further enacted, that if the party or parties charged by any such information as aforesaid, shall enter a demurrer to such information, and such demurrer shall be over-ruled by the said Court of King's Bench, such party or parties shall, within eight days next after the said Court shall have given judgment on such demurrer, unless a writ of error shall be brought thereon, and then within eight days next after such judgment shall be affirmed, or such writ of error shall be nonprossed, enter the plea of not guilty to such information, or, in default thereof, the said plea of not guilty shall and may be entered, for and in the name or names of such party or parties, by his Majesty's Attorney-general, or other prosecutor; and the said information shall proceed in the like manner as if no demurrer had been entered thereto; any law, or the usage or practice of the said Court, to the contrary notwithstanding.

Informations may be determined in the Court of King's Bench.

XXV. Provided also, and be it further enacted and declared, that if his Majesty's Attorney-general, or other prosecutor or prosecutors of any such information, shall be desirous of having the same proceeded in, tried, and determined in the said Court of King's Bench, and shall move the said Court for that purpose, then, and in every such case, the said Court shall grant a rule or order for retaining such information in the said Court, and the said information shall be accordingly retained by the said Court of King's Bench, and shall be heard, tried, adjudged, and determined by the said Court of King's Bench, in such and the same manner, to all intents and purposes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said Court, in case the said former Act, or this present Act, had not been made; any thing in the said former Act, or this present Act, contained to the contrary notwithstanding.

How fines, &c. are to be recovered.

XXVI. And be it further enacted, that whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former Act, or this present Act, shall become forfeited, the said Court of King's Bench, or, in case the said Court shall not be then sitting, the Lord Chief Justice of the same Court, shall and may forthwith, at the instance of his Majesty's Attorney-general, or other prosecutor, deliver to the Lord Chief Baron, or any other of the Barons of the Court of Exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said Lord Chief Baron, or other of the said Barons, shall thereupon, at the requisition of the said Attorney-general, or other prosecutor, authorize and direct the proper officer of the same Court to award, and such officer shall accordingly forthwith award, under the seal of the same Court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals,

and sureties in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties to the proper sheriffs or other officers of the same respectively, for the due execution thereof, as the said Attorney-general, or other prosecutor, shall desire or require in that behalf; and if such party or parties, or such principal or principals, and sureties, or any of them, shall have, or be seised or possessed of, or entitled to any lands, tenements, or hereditaments, goods, chattels, estate, or effects situate, lying, or being within that part of Great Britain called Scotland, or shall be resident in that part of the said United Kingdom, then and in either of such cases his Majesty's Court of Exchequer in Scotland, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the said Court of Exchequer in Scotland, upon a copy or transcript of the estreat of such fine or fines, recognizance or recognizances, being sent or transmitted into the same Court, or delivered to the said Lord Chief Baron, or any other of the Barons of the same Court, from and under the seal of the Court of Exchequer in England, or under the hand and seal of the Lord Chief Baron, or any other of the Barons thereof (and which copy or transcript the said Court of Exchequer in England, or, when the said Court shall not be sitting, the Lord Chief Baron, or any other of the Barons of the same Court, is and are hereby required, at the instance of his Majesty's Attorney-general or other prosecutor, to send and transmit accordingly), shall and may forthwith, at the instance of the said Attorney-general or other prosecutor, carry on such proceedings, and award such and the like process and processes as is and are competent by the law of that part of Great Britain called Scotland for recovery of debts due to the Crown.

Mode of recovering fines from property in the East-Indies, when the effects in Britain are insufficient.

XXVII. And be it further enacted, that if it shall at any time be made to appear to the satisfaction of the said Court of Exchequer in England, at the instance of his Majesty's Attorney-general or other prosecutor, by motion in the said Court on his or their behalf, that such party or parties, principal or principals, or sureties as aforesaid, or any of them, have no lands, tenements, or other estate or effects in Great Britain, or that the same (if any) are not sufficient to answer the sum or sums forfeited by such recognizance or recognizances, or due for such fine or fines respectively, and that such party or parties, principal or principals, or sureties, or any of them, shall have or be seised or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, estate, or effects within any of the British possessions in the East-Indies respectively (the said sum or sums, fine or fines not being paid and satisfied), then and in every such case the said Court of Exchequer shall and may, by rule or order of the said Court, cause one or more transcript or transcripts of the estreats of the said recognizance or recognizances, fine or fines, to be sealed with the seal of the said Court, or to be otherwise attested, as the said Court shall direct, and the same, so sealed or attested, shall be closed up under the seals of any two of the Barons of the said Court, directed to the Supreme Court of Judicature in Bengal, and to the Mayor's Courts at Madras and Bombay, or to any or either of the said Courts, as the case shall or may require; and the same shall be delivered by the said Barons, or one of them, to such agent or agents as the prosecutor or prosecutors shall nominate or appoint for that purpose, which agent or agents (or, in the case of his or their death, the person into whose hands the same shall come) shall deliver such transcript or transcripts to one of the Judges of the said Supreme Courts or Mayor's Courts respectively, as the case may be or require, and make oath that he or they did receive the same from the hands of one of the said Barons (or in what other manner the same came into his or their hands), and that the same hath not or have not been

opened or altered since he or they so respectively received the same (which oath any of the said Judges of any of the said Courts in India are hereby authorized and required to administer); and thereupon such transcript or transcripts shall be filed and recorded in such of the said Courts in India to which the same shall be so directed, as the case may require; and, upon motion to be made in such Courts or Court for that purpose for and on the behalf of such prosecutor or prosecutors, the like process and proceedings shall and may from time to time be awarded and had by and in the said Supreme Court of Judicature, and the said Mayor's Courts at Madras and Bombay respectively, or any or either of them, against the lands, tenements, or hereditaments, goods, chattels, debts, estate, and effects of the said party or parties, principal or principals, and sureties, within the limits of the jurisdictions of such respective Courts in the East-Indies as might or could have been awarded or had in the said Court of Exchequer in England against the lands, tenements, hereditaments, goods, chattels, debts, estates, and effects of the same party or parties, principal or principals, or sureties in England, and the same shall be valid and effectual, any law, usage, or custom to the contrary notwithstanding.

Recital of Act 24 Geo. 3, c. 25, s. 88.

XXVIII. And whereas it is by the said recited Act enacted, that in all cases of informations laid or exhibited by virtue of the said Act in the Court of King's Bench for misdemeanors or offences committed in India, it shall be lawful for the said Court to award a writ or writs of *mandamus* to the Chief Justice and Judges of the Supreme Court of Fort William, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are thereby respectively authorized and required accordingly to hold a court for the examination of witnesses and receiving other proofs concerning the matters charged in such informations respectively, and that such examination shall be then and there openly taken, and reduced into writing, in manner therein mentioned, and sent to his Majesty, in his Court of King's Bench, closed up and under the seals of two or more of the Judges of the said Supreme Court, and that one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in court of his Majesty's Court of King's Bench, in the public office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or in what manner the same came into his hands), and that the same hath not been opened or altered since he so received the same: and whereas a doubt may arise whether such examinations as may be taken by the Judges of the Mayor's Court in any of the British settlements in India, by force and virtue of the said Act, may be lawfully sent closed up, under the seals of the same Judges, and whether any one or more of the same Judges is or are empowered to deliver the same to the agent or agents of the party requiring the same: be it therefore enacted, that every examination which shall or may be had or taken by the Judges of the Mayor's Court of any of the British settlements in India by force and virtue of the said Act (being reduced into writing, as in the said Act is directed or mentioned) shall be sent to his Majesty, in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the Mayor's Court of any of the British settlements in India, and one or more of the Judges of the same Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks of his Majesty's Court of King's Bench, in the public office, and make such or the like oath as is

Examinations in India to be sealed up and given to the agents of the parties, to be delivered to the clerks of the King's Bench.

in and by the said Act directed and prescribed, any thing in the said Act contained to the contrary notwithstanding.

Persons resident in India amenable to the Courts there.

XXIX. And be it further enacted, that as well the servants of the said United Company as all other of his Majesty's subjects resident or to be resident in India, shall be and are hereby declared to be amenable to the Courts of Oyer and Terminer and Gaol Delivery and courts of general or quarter Sessions of the Peace in any of the British settlements in India, for all murders, felonies, homicides, manslaughters, burglaries, rapes of women, perjuries, confederacies, riots, routes, retainings, oppressions, trespasses, wrongs, and other misdemeanors, offences, and injuries whatsoever by them done, committed or perpetrated, or to be by them hereafter done, committed, or perpetrated in any of the countries or parts of Asia, Africa, or America, beyond the Cape of Good Hope to the Straits of Magellan, within the limits of the exclusive trade of the said United Company, whether the same shall have been done, committed, or perpetrated, or shall hereafter be done, committed, or perpetrated against any of his Majesty's subjects, or against any other person or persons whatever.

Governor, &c. of Fort St. George, &c., to have jurisdiction in all matters, civil and criminal.

XXX. And be it further enacted and declared, that the Governor or President and Council of Fort Saint George, for the time being, in their Courts of Oyer and Terminer and Gaol Delivery, and quarter or general Sessions of the Peace, and also the Mayor's Court at Madras,(1) according to their several and respective judicatures, shall have cognizance and jurisdiction, as well civil as criminal, over all British subjects whatsoever, who now reside or shall hereafter reside within any of the forts, factories, towns, lands, or territories, in the possession of the said United Company, on the coast of Coromandel, or in any other part of the Carnatic, or in the five northern Circars, including those parts of the said Circars which lie within the kingdom or province of Orixa, or within any of the dominions or territories of the Soubah of the Deckan, the Nabob of Arcot, or the Rajah of Tanjore.

(1) [The Mayor's Court was abolished and a Recorder's Court established under 37 Geo. 3, cap. 142. The Recorder's Court was replaced by a Supreme Court under 39 & 40 Geo. 3, cap. 79.]

So much of recited Act as relates to delivery of inventories of effects, &c. repealed.

XXXI. And be it further enacted, that so much of the said recited Act as requires or directs any person or persons now being, or who may hereafter be in the service of the said United Company in India, to deliver any particular or inventory of his or their lands, tenements, goods, chattels, debts, securities for money, and other real and personal estate and property, or as subjects any such person or persons to any pain, penalty, or forfeiture, for any neglect or omission therein, or for any untrue specification of his or their estates or properties, or as directs any allowance or reward to be made or given to any person making discovery of any estate or property concealed, or not specified, disclosed, or described, by any such particular or inventory as aforesaid, shall be, and the same is hereby repealed.

General issue.

XXXVII. And be it further enacted, that if any suit or action shall be brought or commenced against the said Company, or any of their servants, or against any persons acting by their authority, for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing to England, of any person or persons found in the East-Indies, or other parts aforesaid, within the limits of the said Company's exclusive trade,

or as not being authorized to reside or traffic there,(1) the defendant or defendants to such suit or action, shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and the proof shall lie on the plaintiff or plaintiffs, upon the trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively, for the cause aforesaid, in the manner in which the same shall be laid or charged to have been done, in and by the declarations or declaration in such suits or actions, the person or persons so arrested or seized, was or were in the military or marine service of the King's Majesty, his heirs or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a license or licenses in writing, authorizing him or them to go to or reside and traffic in India, or other the said parts and limits, or that the person or persons (not being in his Majesty's service) was or were, at the time or times of his or their being so seized or arrested, intitled or authorized, by the stipulations of such covenants or licenses respectively, to remain and continue in India, or other the parts and limits aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become non-suited, and in such case, or in any other case wherein the plaintiff or plaintiffs in any such suit or action shall become non-suited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, the defendant or defendants shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision, to the contrary notwithstanding. (2)

Treble costs.

(1) [This and all similar provisions can now be applicable only to a residence in those parts of India excepted from the general permission contained in the Act 3 & 4 Wm. 4, cap. 85, sec. 81 to 83.]

(2) [*Vide* 12 Geo. 3, cap. 20, sec. 5 & 7; 53 Geo. 3, cap. 155, sec. 123 & 124; and 55 Geo. 3, cap. 84, sec. 9.]

Bonds executed in the East-Indies shall be evidence in Britain, and contrariwise, on proof of the hand-writing of the parties.

XXXVIII. And whereas great difficulties, expense, and delay, often arise in giving proof in Great Britain of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in the East-Indies; and the like difficulties, expense, and delay, also arise in giving proof in the East-Indies, of the execution of bonds, and other deeds and writings, executed and witnessed by persons resident in Great Britain; for remedy thereof, be it enacted, that whenever any bond, or other deed or writing, executed in the East-Indies, and attested by any person or persons resident there, shall be offered in evidence in any of the Courts of Justice in Great Britain, it shall be sufficient to prove, by one or more credible witness or witnesses, that the name or names subscribed to such bond, deed, or writing, purporting to be of the hand or hands-writing of the obligor or obligors to such bond, or of the party or parties to such deed or writing, is or are of the proper hand-writing or hands-writing of such obligor or obligors, party or parties, respectively, and that the name or names set and subscribed of the witness or witnesses attesting the execution of the same, respectively, is or are of the proper hand or hands-writing of the witness or witnesses so attesting the same, and that such witness or witnesses is or are resident in the East-Indies; and, in like manner, all Courts of Justice in the East-Indies shall admit the like proof of the execution of bonds and other deeds and writings executed in Great Britain, and witnessed by any person or persons resident in Great Britain: and such proofs shall be deemed and taken to be as valid and sufficient evidence of the due execution of such bonds, and other deeds and writings, as if the witness or witnesses thereto was or were dead.

## 28 GEORGII III. Cap. VIII.

AN ACT *for removing any doubt respecting the Power of the Commissioners for the Affairs of India to direct that the expense of raising, transporting, and maintaining such Troops as may be judged necessary for the security of the British Territories and Possessions in the East-Indies, should be defrayed out of the Revenues arising from the said Territories and Possessions; and for limiting the application of the said Revenues in the manner therein mentioned.*

Preamble.

24 Geo. 3, Sess. 2. c. 25, recited

Whereas, by an Act passed in the twenty-fourth year of the reign of his present Majesty, (intituled "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies"), his Majesty is empowered to nominate and appoint a Board of Commissioners for the affairs of India: and whereas, by the said Act, the said Board of Commissioners is invested with the superintendence and control over all the British territorial possessions in the East-Indies, and over the affairs of the United Company of merchants trading thereto, in the manner in the said Act directed; and is likewise authorized and empowered, from time to time to superintend, direct and control all acts, operations, and concerns, which in anywise relate to the civil or military governments or revenues of the said possessions, in the manner in the said Act directed: and whereas the Court of Directors of the said Company is required by the said Act to pay due obedience to, and to be governed and bound by, such orders and directions as the said Court shall from time to time receive from the said Board, touching the civil or military government and revenues of the said possessions: and whereas, nevertheless, doubts have been raised, whether the said Commissioners are, under the said Act, empowered at any time to direct, that the expense of raising, transporting, and maintaining such forces as may be judged necessary for the security of the British territories and possessions in the East-Indies, shall be defrayed out of the revenues arising from the said territories and possessions, unless such troops are sent at the express requisition of the East-India Company; and particularly whether, under the circumstances now existing, the said Commissioners are not restrained, by certain provisions contained in the said Act, from giving such directions with respect to the expense of raising, transporting, and maintaining any forces which may be sent to India for the security of the said possessions, in addition to the forces now there: and whereas it appears that by reason of the said doubts, the said Directors have delayed to take measures for transporting in the said Company's ships the forces which his Majesty has judged necessary to be sent to India for the security of the said possessions: therefore, for obviating every such doubt, may it please your Majesty that it may be enacted and declared; and be it enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Board of Commissioners for the affairs of India was and is by the said Act fully authorized and empowered to order and direct that all the expenses incurred, or to be hereafter incurred, for raising, transporting, and maintaining such forces as shall be sent to India for the security of the said territories and possessions, shall be paid, defrayed, and borne, out of the revenues arising from the said territories and possessions; and that nothing in the said Act contained extended or extends, or shall be construed to extend, to restrain, or to have restrained, the said Commissioners from giving such orders or directions

Board of Commissioners, appointed under the recited Act, empowered to direct all expenses for raising, &c. forces sent to India, to be defrayed out of the revenues of the territories there.

as aforesaid, with respect to the expense of raising, transporting, and maintaining any forces which may be sent to India for the security of the said possessions, in addition to the forces now there.

Commissioners not to give directions for the payment of a greater number of troops than herein specified.

II. Provided always, and be it enacted by the authority aforesaid, that it shall not be lawful for the said Commissioners to give or approve any such direction as aforesaid, with respect to the payment of any greater number of his Majesty's forces than shall amount in the whole to eight thousand and forty-five men, including the commissioned and non-commissioned officers; or of the European forces of the East-India Company, than shall amount in the whole to twelve thousand two hundred men, including the commissioned and non-commissioned officers (1).

(1) [The 31 Geo. 3, cap. 10, allowed the forces of the Crown to be enlarged by 2,682 men in addition to the number granted by the above section. By 53 Geo. 3, cap. 155, sec. 87, the number may be increased to 20,000 men.]

Commissioners not to give directions for increasing salaries beyond the amount fixed by orders which have been sent to India, unless proposed by the Directors, &c.

III. And whereas it is expedient that further provision should be made for limiting the application of the said revenues, with respect to the established salaries and allowances to be paid therefrom to any person in India, and with respect to any extraordinary allowances or gratuities to be paid therefrom to any person on account of services performed in India; be it therefore further enacted by the authority aforesaid, that it shall not be lawful for the Commissioners for the affairs of India to give, or cause to be given, any directions, ordering or authorizing, by any dispatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any office in the service of the said Company, beyond the amount to which the same are now fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some dispatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Commissioners for their approbation; and unless an account of the actual salaries, allowances, and emoluments of such office, and of the increase proposed to be made therein, with reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such dispatch shall be sent.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 17, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

Commissioners not to give directions for payment of any gratuity, but such as shall be specified in dispatches proposed by the Directors, &c.

IV. And be it further enacted, that it shall not be lawful for the said Commissioners to give, or cause to be given, any direction for the payment of any extraordinary allowance or gratuity from the said revenues, to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person, than shall be specified and contained in some dispatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Commissioners for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 18, and 3 & 4 Wm. 4, cap. 85, sec. 110.]

## 33 GEORGII III. Cap. LII.

AN ACT *for continuing in the East-India Company, for a further term, the possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain uses the Revenues and Profits of the said Company; and for making provision for the good order and government of the Towns of Calcutta, Madras, and Bombay.*

Preamble.
21 Geo. 3, c. 65.
7 Geo. 3, c. 57.

Whereas it is expedient that the exclusive trade of the United Company of Merchants of England trading to the East-Indies, within the limits of their Charter, which, by an Act made in the twenty-first year of his Majesty's reign, for establishing an agreement with the said Company, and other purposes, was continued to them for a term thereby limited, should be further continued to them and their successors, under certain limitations and restrictions, for a term of twenty years, to be computed from the first day of March, one thousand seven hundred and ninety-four, liable to be discontinued at or after the end of such period, upon three years' notice previously given by Parliament for that purpose; and that during the said further term all the territorial acquisitions obtained in the East-Indies, which, by an Act made in the seventh year of his Majesty's reign, for establishing an agreement for the payment of a certain annual sum for a limited time by the said Company, in respect of the said acquisitions, and the revenues thereof, and by subsequent Acts were continued in the possession of the said Company, together with the territorial acquisitions lately obtained there, with the revenues of the same respectively, should remain in the possession of the said Company, without prejudice to the claims of the public, or of the said Company, subject to such powers and authorities for the superintendence, direction, and control over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, as have been already made or provided by any Act or Acts of Parliament in that behalf, or to such further powers, and under and subject to such other rules, regulations, and restrictions, relating to or concerning the said civil government, and the appropriation of the said revenues, as shall be now made and provided by the authority of Parliament: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said territorial acquisitions in the said former Acts mentioned, together with the territorial acquisitions lately obtained in the East-Indies, with the revenues thereof respectively, shall remain and continue in the possession of the said United Company for and during the further term by this Act granted to them in the said exclusive trade, subject nevertheless to the several regulations and provisions in this Act contained.

Territorial acquisitions, with the revenues, to continue in the possession of the East-India Company for a further time.

His Majesty may appoint Commissioners for the affairs of India.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs and successors, by any letters patent, or by any commission or commissions to be issued under the great seal of Great Britain, from time to time to nominate, constitute, and appoint, during his or their pleasure, such Members of the Privy Council (of whom the two principal Secretaries of State, and the Chancellor of the Exche-

quer for the time being, shall always be three), and such other two persons as his Majesty, his heirs or successors, shall think fit to be, and who shall accordingly be and be styled Commissioners for the affairs of India.(1)

(1) [By 3&4 Wm. 4, cap. 85, sec. 19 & 20, the constitution of the Board is in some respects varied. The office of Commissioner is not restricted to members of the Privy Council, and the following great Officers of State are to be *ex officio* Commissioners:—the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State (now three), and the Chancellor of the Exchequer.]

Three Commissioners may form a Board, &c.

III. And be it further enacted, that any three or more of the said Commissioners shall and may form a Board, for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the said Commissioners; and that the first named Commissioner in any such letters patent or commission for the time being shall be the president of the said Board; and that when any Board shall be formed in the absence of the president, the Commissioner whose name shall stand next in the order of their nomination in the said commission, of those who shall be present, shall for that turn preside at the said Board.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 21, two Commissioners are sufficient to constitute a Board.]

President to have the casting vote.

IV. And be it further enacted, that if the Commissioners present at any Board shall be equally divided in opinion, in respect to any matter by them discussed, then and on every such occasion the president, or in his absence the Commissioner acting as such, shall have two voices, or the casting vote.

Board may appoint officers.

V. And be it further enacted, that the said Board of Commissioners shall and may nominate and appoint such secretaries and officers as shall be necessary to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and that the proceedings of the said Commissioners shall be entered in proper books; and that as well the said Commissioners, or such and so many of them as his Majesty shall think fit, as likewise

Salaries to be fixed by his Majesty, &c.

their secretaries and other officers, shall be paid such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manuel, countersigned by the Chancellor of the Exchequer for the time being, direct; and that in the mean time the salaries and allowances already granted to the secretaries and officers of the present Board of Commissioners for the affairs of India, shall be continued; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, shall be paid and defrayed quarterly by the said Company, and deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the president or acting president of the said Board for the time being, to the Court of Directors of the

The whole salaries to members of the

said Company: provided always, that the whole of the salaries to be paid to the members of the said Board shall not exceed the sum of five thousand pounds in any one year; and that

the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, shall not exceed the sum of eleven thousand pounds in any one year. (1)

Board not to exceed £5,000 annually, &c.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 23, it is enacted that no Commissioner as such, except the President, shall receive a salary. By 53d Geo. 3, cap. 155, sec. 90, the total amount of salaries and charges is fixed at twenty-six thousand pounds, exclusive, however, of superannuations granted under section 91 of that Act. Provision is made by 3 & 4 Wm. 4, sec. 6, for extraordinary charges arising out of the cessation of the Company's trade.]

VI. Provided also, and be it further enacted, that the said Commissioners, before they shall proceed to act in execution of any of the powers or authorities vested in them (save only the power of administering the oath aftermentioned) shall severally take and subscribe the following oath; (that is to say):

Commissioners to take the following

Oath.

"I, A. B. do faithfully promise and swear, that as a Commissioner or Member of the "Board for the affairs of India, I will give my best advice and assistance for the good "government of the British possessions in the East-Indies, and the due administration of "the revenues of the same, according to law, and will execute the several powers and "trusts reposed in me according to the best of my skill and judgment, without favour or "affection, prejudice or malice, to any person whatever."

Which oath any two of the said Commissioners shall and are hereby empowered to administer to the others of them, or any of them; and the said oath shall be entered by their chief secretary amongst the acts of the Board, and be duly subscribed and attested by the said Commissioners, at the time of their taking and administering the same to each other respectively.

VIII. And for obviating any doubt which might otherwise arise, how far the office or appointment of a Commissioner of the said Board for the affairs of India, by virtue of this Act, or of the chief secretary to the said Board, be within any of the provisions contained in an Act of the sixth year of the reign of Queen Anne, intituled, "An Act for the Security of Her Majesty's Person and Government, and of the succession to the Crown of Great Britain, in the Protestant Line," or how far the appointment of any such Commissioner or Secretary, being a member or members of the House of Commons, shall vacate his or their seat or seats in that house, be it further enacted and declared, that the said respective offices, places, or appointments of a Commissioner or Chief Secretary of the said Board for the affairs of India, to be made under the authority of this Act, shall not be deemed or taken to be within the intent or purview of the said Act of the sixth year of Queen Anne, whereby to disqualify any such Commissioner or Chief Secretary from being elected, or sitting or voting as a member of the House of Commons; nor shall the appointment of any such Commissioner, not having any special salary annexed to such appointment, or the said Chief Secretary, if a member or members of the House of Commons, vacate his or their seat or seats in the said house; any

6 Annæ, c. 7.

Appointments of Commissioner, or Chief Secretary, not to disqualify from being elected to Parliament, &c.

thing contained in the said Act of the sixth year of Queen Anne, or in any other Act, to the contrary notwithstanding.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 23, the Board appoint two secretaries, each of whom has the same powers, rights, and privileges as were previously vested in the chief secretary.]

Board to superintend all concerns relating to the civil or military government or revenues in the East-Indies.

IX. And be it further enacted, that the said Board of Commissioners shall by force and virtue of this Act have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns which in any wise relate to or concern the civil or military government or revenues of the said territories and acquisitions in the East-Indies, subject nevertheless to such directions, rules, regulations, and restrictions, and to such appropriations of the said revenues, as are by this Act made, provided, or established, and not otherwise, or in any other manner, any former Act or Acts to the contrary notwithstanding.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the power of control is extended to all Acts connected with the sale of the Company's commercial property.]

Commissioners, or their officers, to have access to the books of the Company, &c.

X. And be it further enacted, that the said Commissioners, or any of them, or their Chief Secretary, or any other of the officers of the said Board, by the order and authority of the said Board, shall have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted by the proper officers of the said Company in their searches for the same, and furnished, by and at the expense of the said Company, with copies or extracts of so many or such parts thereof respectively as the said Board shall require.(1)

(1) [By 53 Geo. 3, cap. 53, sec. 78, the Board may direct the preparation of such accounts, statements, and abstracts as they may think fit.]

Court of Directors to deliver to the Board copies of all proceedings, and of dispatches received relating to the civil or military government or revenues.

XI. And be it further enacted, that the Court of Directors of the said Company for the time being shall, and they are hereby required, from time to time, to deliver to the said Board copies of all minutes, orders, resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after the holding of such Courts respectively, and also copies of all letters, advices, and dispatches which shall at any time or times be received by the said Court of Directors, or any committee of Directors from the East-Indies, or from any other of their settlements or factories within the limits of their exclusive trade, or from any of the servants of the said United Company, stationed at Saint Helena, Bussora, Suez, Aleppo, or other parts beyond the seas, in any wise relating to or concerning the civil or military government, or the revenues of the said territories and acquisitions in India, immediately after the arrival and receipt thereof.(1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 29, to all documents which shall be material, or which the Board may require.

Orders relating to the civil or military government or reve-

XII. And be it further enacted, that no orders or instructions whatever relating to the civil or military government or revenues of the said territorial acquisitions in India, shall be

at any time sent or given to any of the governments or settlements in India, by the Court of Directors of the said United Company, or by any committee of the said Directors, until the same shall have been submitted to the consideration of and approved by the said Board;(1) and for that purpose, that copies of all orders and instructions which the said Court of Directors, or any committee of the said Directors, shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days (2) after the receipt of such proposed dispatches, the said Board shall either return the same to the said Court of Directors, or committee of Directors, with their approbation thereof certified under the hand of the chief secretary to the said Board, by the order of the said Board, or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders or instructions, in every such case the said Board shall give to the said Directors in writing, under the hand of the chief secretary of the said Board, by order of the said Board, their reasons at large in respect thereof, together with their instructions to the said Directors in relation thereto; and that the said Directors shall, and they are hereby required forthwith to dispatch and send the letters, orders, and instructions, in the form approved of by the said Board, to the proper governments or officers in India. or other limits, without further delay, unless on any representation made to them by the said Directors, the said Board shall order any alterations to be made therein; and that the Directors of the said Company for the time being shall, and are hereby required to pay obedience to, and shall be governed and bound by, such orders and instructions as they shall from time to time receive from the said Board of Commissioners, touching or concerning the civil and military government of the said territories and acquisitions, and the revenues of the same, according to the tenour and true intent of this Act.

nues to be submitted to the consideration of the Board, who may alter the same, &c.

(1) [By later enactments the power of control is extended to all official communications, except those with the home establishment and the law advisers of the Company. 3 & 4 Wm. 4, cap. 85, sec. 30, 34.]

(2) [By 53 Geo. 3, cap. 155, sec. 71, and 3 & 4 Wm. 4, cap. 85, sec. 30, the time for returning drafts of dispatches, &c. is extended to two months.]

XIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing by representation in writing to the said Board, such remarks, observations, or explanations as shall occur, or they shall think fit, touching or concerning any letters, orders, or instructions, which shall have been varied in substance, or disapproved by the said Board;(1) and that the said Board shall, and they are hereby required, to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further orders or instructions thereupon as they shall think fit and expedient; which orders or instructions shall be final and conclusive upon the said Directors.

Directors may make representations touching orders altered or disapproved by the Board.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 32, the time for making such representation is limited to fourteen days; subject, in cases where the legality of the orders is disputed, to a reference to three Judges of the Court of Queen's Bench (sec. 33)].

Board not to nominate any of the servants of the Company.

XIV. Provided also, and be it further enacted and declared, that nothing in this Act contained, shall extend to give to the said Board of Commissioners the power of nominating or appointing any of the servants of the said United Company, any thing herein contained to the contrary notwithstanding.

If the Directors neglect to frame dispatches beyond fourteen days after requisition, the Board may prepare instructions, and the Directors shall forward them to India.

XV. And be it further enacted, that whenever the Court of Directors of the said United Company shall neglect to frame, and to transmit to the said Board, dispatches on any subject connected with the civil or military government of the said territories and acquisitions, or with the revenues thereof, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors (without waiting for the receipt of the copies of dispatches intended to be sent by the said Directors) any orders or instructions for any of the governments or presidencies in India, concerning the civil or military government of the said territories, or the revenues thereof: and the said Directors shall, and they are hereby required to transmit dispatches, according to the tenour of the said orders and instructions so transmitted to them by the said Board, unto the respective governments and presidencies in India, unless, on any representation made by the said Directors to the said Board, touching such orders or instructions, the said Board shall direct any alteration to be made in the same; which directions the said Court of Directors shall, in such case, be bound to conform to.(1)

(1) [Extended to all official communications by 3 & 4 Wm. 4, cap. 85, sec. 31.]

Board not to direct the increase of established salaries, unless proposed by the Directors and laid before Parliament;

XVII. Provided also, and be it further enacted, that it shall not be lawful for the said Board to give or cause to be given any directions, ordering or authorizing, by any dispatches to be sent to India, the increase of the established salaries, allowances, or emoluments of any Governor-general, Governor, or President, or Member of Council of any of the Presidencies and settlements there, or of any other officer in the service of the said Company, beyond the amount to which the same now stands fixed by the orders which have been sent to India, unless such increase shall be specified and contained in some dispatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation, and unless an account of the actual salaries, allowances, and emoluments of such Governor-general, Governor, or President, or Member of Council, or other officer respectively, and of the increase proposed to be made therein, with the reasons for such increase, shall have been laid before both Houses of Parliament thirty days before such dispatch shall be sent.

nor to direct any gratuity, but such as shall be proposed by the Directors, &c.

XVIII. Provided also, and be it further enacted, that it shall not be lawful for the said Board to give, or cause to be given, any direction for the payment of any extraordinary allowance or gratuity from the said revenues to any person, on account of services performed in India, or on any other account whatever, to any greater amount, or to any other person than shall be specified and contained in some dispatch proposed by the said Court of Directors to be sent to India, and transmitted by them to the said Board for their approbation; and that in every case where any such directions shall be so given, a distinct account of all such allowances or gratuities shall be added to the next list of establishments laid before Parliament by the said Court of Directors.(1)

(1) *Vide* notes on sections 3 and 4 of 28 Geo. 3, cap. 8.]

Board may send orders to Secret Committee of Directors, who shall transmit the same to India.

XIX. Provided also, and be it further enacted, that if the said Board of Commissioners shall be of opinion that the subject matter of any of their deliberations concerning the levying war, or making peace, or treating or negociating with any of the native princes or states in India,(1) intended to be communicated in orders to any of the Governments or Presidencies in India,(2) shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders and instructions to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed,(3) who shall thereupon, without disclosing the same, transmit their orders and dispatches, according to the tenour of the said orders and instructions of the said Board, to the respective Governments and Presidencies in India; and that the said Governments and Presidencies shall be bound to pay a faithful obedience thereto, in like manner as if such orders and instructions had been sent to them by the said Court of Directors.

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 36, by adding the words "or with any other Princes or States, or touching the policy to be observed with respect to such Princes or States."]

(2) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 36, to orders of the character specified to any officers or servants of the Company.]

(3) [The constitution and mode of appointing the Secret Committee will be found in 3 & 4 Wm. 4, cap. 85, sec. 35.]

The 20th section directs the appointment of a Secret Committee, and prescribes an oath to be taken by its members. The entire section is here omitted, the direction for a Secret Committee being repeated in 3 & 4 Wm. 4, cap. 85, (see note (3) on section 19), and the prescribed oath replaced by others which will be found in 53 Geo. 3, cap. 155, sec. 74, and 3 & 4 Wm. 4, cap. 85, sec. 35.

Dispatches of the Secret Committee to be prepared only by the Secretary or Examiner of Indian Correspondence (except with approbation of Board), and every person so employed shall take an oath of secrecy.

XXI. And be it further enacted, that if the said Secret Committee, in the execution of their said powers and trusts, shall find it necessary to employ any person in transcribing or preparing any secret dispatches, orders, or instructions, required to be transmitted by them to India, under the direction of this Act, the said dispatches, orders, and instructions, shall be transcribed and prepared, either by the Secretary of the Court of Directors for the time being, or by the officer called the Examiner of Indian Correspondence for the time being, and by no other person or persons, unless with the approbation and consent of the said Board of Commissioners for the affairs of India, for that purpose first had and obtained; and that as well the said Secretary and Examiner, as every other person who shall be entrusted with the transcribing or preparing any of such dispatches, orders, or instructions, shall, before they respectively enter upon that duty, take and subscribe, before any of the members of the said Secret Committee, an oath of secrecy, as near unto the tenour and form of the oath hereinbefore provided and directed to be taken by the members of the said Secret Committee as the case will admit; and the members of the said Committee, or any two of them, are hereby authorized and required to frame and administer such oath accordingly, and to attest the taking and subscribing of the same by the said Secretary and Examiner, and all other persons

who shall be employed by them as aforesaid, and to cause the same to be recorded amongst the Acts of the said Court of Directors.(1)

(1) [Oath varied by 53 Geo. 3, cap. 155. sec. 75.]

Presidencies in India may send dispatches to the Secret Committee, who shall deliver them to the Board.

XXII. Provided also, and be it further enacted, that when any of the Governments or Presidencies in India shall be of opinion that any of their dispatches to Great Britain, concerning the government of the said territories and acquisitions, or the levying war, or making peace, or negociations or treaties with any of the native princes or states of India, shall be of a nature to require the same to be kept secret, it shall be lawful for the said Governments or Presidencies respectively to address their dispatches requiring such secrecy, under cover, sealed with their seals, unto the said Secret Committee of Directors of the said Company, for the inspection of such Committee, and that immediately upon the arrival of such dispatches so addressed, the said Secret Committee of Directors shall deliver the same, or copies thereof, to the said Board.(1)

(1) [By 53 Geo. 3, cap. 155, sec. 73, the rule of secrecy with respect to dispatches addressed by order of the Board *to* the Governments of India is applied to the contents of dispatches received by the Secret Committee *from* those Governments.]

Orders of the Directors touching the civil or military government, or the revenues, after approbation by the Board, not revocable by the Proprietors.

XXIII. And be it further enacted, that no order or resolution of the Court of Directors of the said Company, touching or concerning the civil or military government or revenues of the said territories and acquisitions in India, after the same shall have received the approbation of the Board of Commissioners for the affairs of India, shall be liable to be rescinded, suspended, revoked, or varied by any General Court of Proprietors of the said Company.

Vacancies of Governors, &c. to be filled up by the Directors.

XXV. And be it further enacted, that all vacancies happening in the office of Governor-general of Fort William in Bengal, or of any of the members of the Council there, or of Governor of either of the Company's Presidencies or settlements of Fort Saint George or Bombay, or of any of the members of the Council of the same respectively, or of Governor of the forts and garrisons at Fort William, Fort St. George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there, all and every of such vacancies shall be filled up and supplied by the Court of Directors of the said United Company, the vacancies of any of the said members of Council being always supplied from amongst the list of senior merchants of the said Company, who shall have respectively resided twelve years in India in their service, and not otherwise, except as is herein-after otherwise provided.(1)

(1) [The approbation of the Crown is now necessary to the appointments of Governors-general, Governors of subordinate Presidencies, Commander-in-chief of all the forces in India, Provincial Commanders-in-chief, and also to that of the *fourth* ordinary Member of the Council of India. *Vide* 53 Geo. 3, cap. 155, sec. 80; and 3 & 4 Wm. 4, cap. 85,

sec. 40, 42, 58, and 61. By 53 Geo. 3, cap. 155, sec. 82, and 3 & 4 Wm. 4, cap. 85, sec. 40, the twelve years' residence required as a qualification for councillor is reduced to ten. Under the same section of the Act last mentioned, military officers having completed the required period of service are eligible for appointment, and the *fourth* ordinary Member of the Council of India is to be a person not previously in the service of the Company.

If the Directors neglect to fill up vacancies, his Majesty may supply them.

XXVI. Provided always, and be it further enacted, that when and so often as the said Court of Directors shall neglect, for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India, in the appointment of the said Court of Directors, shall have been received by the said Court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty, his heirs and successors, to construe and appoint, by writing under his or their royal sign manual (under the same restrictions and regulations as are hereinbefore provided with respect to the nominations and appointments made by the said Court of Directors) such person to supply such vacancy as his Majesty, his heirs and successors, shall think proper; and that every person so constituted and appointed shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recall only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 60.]

Directors may appoint persons provisionally to supply vacancies.

XXVII. And be it further enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke, but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office, any Act or Statute to the contrary notwithstanding.(1)

(1) *Vide* 3 & 4 Wm. 4, cap. 85, sec. 61.]

How vacancies are to be supplied when no successors are on the spot, &c.

XXIX. And be it further enacted, that if any vacancy shall happen in the office of Governor-general of Fort William, or of Governor of Fort Saint George or Bombay respectively, when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the Counsellor of the presidency wherein such vacancy shall happen, next in rank to the said Governor-general or Governor respectively, shall hold and execute the said office of Governor-general or Governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and if the Council Board shall happen during that interval to become reduced to one only member besides the acting Governor-general or Governor, then and in such case the person so acting as Gover-

nor-general or Governor shall be and is hereby empowered to call to the Council Board such one of the senior merchants of the said Company at such presidency where the vacancy shall occur as he shall think fit to be a temporary member of the said Board, and that the person so called shall accordingly sit and act as a member of the said Council, and shall have the same powers in all other respects as are given to persons appointed to the Council Board by the said Court of Directors until the arrival of a successor or other appointment made to the office of Governor-general or Governor respectively; and that every such acting Governor-general, Governor, and occasional Counsellor shall, during the time of their continuing to act as such respectively, be entitled to receive the several emoluments and advantages appertaining to the said offices by them respectively supplied, such acting Governor-general and Governor foregoing their salary and allowances of Counsellor for the same period. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 62 and 63.]

Next member of Council to Commander-in-chief to succeed to the temporary government of a Presidency, unless the Commander-in-chief shall have been provisionally appointed.

XXX. Provided always, and be it further enacted, that if at the time of any vacancy happening in the office of Governor-general or of a Governor of any of the said presidencies, no eventual successor appointed under the authority of this Act shall be present upon the spot, any Commander-in-chief, although he shall be then a member of the council of the presidency where such vacancy shall occur, shall not succeed to the temporary government of such presidency, unless such Commander-in-chief shall have been provisionally appointed to supply the same, but that the vacancy shall be supplied by the Counsellor next in rank at the Council Board to such Commander-in-chief, any thing herein contained to the contrary notwithstanding.

Vacancy of Counsellors, when no successors are on the spot, to be supplied by the Governor in Council from the senior merchants.

XXXI. And be it further enacted, that if any vacancy shall happen of the office of a Counsellor at either of the said presidencies when no person provisionally or otherwise appointed to succeed thereto shall be then resident on the spot, then and on every such occasion such vacancy shall be supplied by and at the nomination and appointment of the Governor-general in Council of Fort William, or the Governor in Council of Fort Saint George or Bombay respectively, from amongst the senior merchants in the said Company's service in India, and that the person or persons so nominated shall execute the said office, and shall have the same powers in all respects as are given to persons appointed to the Council Board by the said Court of Directors until a successor or successors shall arrive, duly appointed by the said Court of Directors, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office or offices during his or their continuance therein respectively. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 64.]

The Commander-in-chief, when not the Governor at the Presidency, may, by the authority of the Directors, be the second Member of the Council.

XXXII. And be it further enacted, that when the office of Governor-general and the office of Commander-in-chief of all the forces in India shall not be vested in the same person, such Commander-in-chief shall and may, if specially authorized for that purpose by the said Court of Directors, and not otherwise, be a member of the Council of Fort William; and that when the offices of Governor of Fort Saint George and Commander-in-chief of the forces there shall be vested in different persons, or the offices of Governor of Bombay and Commander-in-chief of the forces in Bombay shall be vested in different persons, such respective Commanders-in-chief shall and may, if specially authorized by the Court of Directors, and not otherwise, be a member of Council at the said respective presidencies; and that when

any Commander-in-chief shall be appointed a member of any of the said councils, such Commander shall have rank and precedence at the Council Board next to the Governor-general or Governor of the same presidency; but no Commander-in-chief shall be entitled to any salary or emolument in respect of his being a member of any of the said councils, unless the same shall be specially granted by the Court of Directors of the said Company. (1)

(1) [*Vide* 45 Geo. 3, cap. 36, and 3 & 4 Wm. 4, cap. 85, sec. 40.]

The Commander-in-chief in India, not being Governor-general, while resident at Fort St. George or Bombay, shall be a Member of Council.

XXXIII. Provided always, and be it further enacted, that when the Commander-in-chief of all the forces in India (not being likewise Governor-general) shall happen to be resident at either of the presidencies of Fort Saint George or Bombay, the said Commander-in-chief shall, from the time of his arrival and during his continuance at such presidency, be a member of the council of such presidency, and during that period the provincial Commander-in-chief of the forces of the same presidency, if he shall be a member of the council thereof, shall and may continue to sit and deliberate, but shall not have any voice at the Council Board.

If any Member shall be incapable of attending, the Governor of the Presidency may call to the Council a provisional successor, &c.

XXXIV. And be it further enacted, that if any of the members of the council of either of the said presidencies shall by any infirmity or otherwise be rendered incapable of acting, or of attending to act as such, or if any of such members shall be absent from the presidency, and the Governor-general or either of the said Governors shall be desirous of having the advice of a full council upon any urgent business, the Governor-general or such Governors respectively shall by virtue of this Act have full power and authority to call any provisional successor appointed, then on the spot, or, there being none such on the spot, then any senior merchant on the spot, to assist at the Council Board for that turn, but that such provisional successor or other person shall not be entitled to any salary or other emolument in respect thereof, nor shall his acting as an occasional member of council, in manner aforesaid, deprive him of any office or employment he before enjoyed.

His Majesty by sign manual, countersigned by the President of the Board, may remove any officer or servant of the Company in India.

XXXV. And be it further enacted, that it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any writing or instrument under his or their sign manual, countersigned by the President of the Board of Commissioners for the affairs of India, to remove or recall any person or persons holding any office, employment, or commission, civil or military, under the said United Company in India for the time being, and to vacate and make void all or every, or any appointment or appointments, commission or commissions, of any person or persons to any such offices or employments; and that all and every the powers and authorities of the respective persons so removed, recalled, or whose appointment or commission shall be vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and specified in that behalf: provided always, that a duplicate or copy of every such writing or instrument, under his Majesty's sign manual, attested by the said president for the time being, shall, within eight days after the same shall be signed by his Majesty, his heirs or successors, be transmitted or delivered to the chairman or deputy chairman for the time being of the said Company, to the intent that the Court of Directors of the said Company may be apprized thereof.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 74.]

Act not to preclude the Directors from recalling their officers or servants.

XXXVI. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to preclude or take away the power of the Court of Directors of the said Company from removing or recalling any of the officers or servants of the said Company, but that the said Court shall and may at all times have full liberty to remove, recall, or dismiss any of such officers or servants, at their will and pleasure, in the like manner as if this Act had not been made, any Governor-general, Governor, or Commander-in-chief, appointed by his Majesty, his heirs or successors, through the default of appointment by the said Court of Directors, always excepted; any thing herein contained to the contrary notwithstanding.(1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80, and 3 & 4 Wm. 4, cap. 85, sec. 75; also sec. 26 of this Act, and sec. 60 of 3 & 4 Wm. 4, cap. 85.]

Departure from India of any Governor-general, &c. with intent to return to Europe, to be deemed a resignation of employment, &c.

While at the Presidency no resignation of a Governor-general, &c. to be valid, except delivered in writing to the secretary.

Regulation respecting salaries.

XXXVII. And be it further enacted, that the departure from India of any Governor-general, Governor, Member of Council, or Commander-in-chief, with intent to return to Europe, shall be deemed in law a resignation and avoidance of his office or employment; and that the arrival in any part of Europe of any such Governor-general, Governor, Member of Council, or Commander-in-chief, shall be a sufficient indication of such intent, and that no act or declaration of any Governor-general, or Governor, or Member of Council, during his continuance in the presidency whereof he was so Governor-general, Governor, or Counsellor, except by some deed or instrument in writing, under hand and seal, delivered to the secretary for the public department of the same presidency, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such Governor-general, or other officers respectively, shall cease from the day of such his departure, resignation, or surrender; and that if any such Governor-general, or any other officer whatever in the service of the said Company, shall quit or leave the presidency or settlement to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances shall be deemed to have ceased from the day of his quitting such presidency or settlement, any law or usage to the contrary notwithstanding.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 79. By 7 Geo. 4, cap. 56, sec. 3, if civil and military officers in the Company's service, having quitted their stations without proceeding, or intending to proceed, to Europe, should die during their temporary absence within the limits of the Company's Charter, or at the Cape of Good Hope, their representatives are entitled to payment of their salaries and allowances. By 1 Vic. cap. 47, the provisions of 33 Geo. 3, cap. 52, sec. 37, and 3 & 4 of Wm. 4, cap. 85, sec. 79, are not to extend to officers under the rank of Governor or Member of Council, who may quit their Presidencies in consequence of sickness, under rules to be established by the local

governments, with the sanction of the home authorities, and who shall proceed to any place within the limits of the East-India Company's charter, the Cape of Good Hope, the Mauritius, or Saint Helena; nor to officers below such rank proceeding with the permission of the Government of their own Presidency to another, for the purpose of embarking for Europe; provided that the port of departure shall not be more distant from the places they may have quitted than the ports of their own Presidency.]

Councils, in the first place, to consider matters proposed by the Governor, who may postpone any matters proposed by Counsellors.

XXXVIII. And be it further enacted, that the Governor-general and Counsellors of Fort William, and the several Governors and Counsellors of Fort Saint George and Bombay, shall at their respective council boards proceed in the first place to the consideration of such matters or questions as shall be proposed by the Governor-general, or by the Governors of the said presidencies respectively; and as often as any matter or question shall be propounded by any of the said Counsellors, it shall be competent to the said Governor-general or Governor respectively, to postpone or adjourn the discussion thereof to a future day; provided that no such adjournment shall exceed forty-eight hours, nor shall the matter or question so proposed be adjourned more than twice without the consent of the Counsellor who proposed the same.

Proceedings to be expressed to be made by the Governor and Council, and signed by the secretary.

XXXIX. And be it further enacted, that all orders and other proceedings of the Governor-general and Council of Fort William shall be expressed to be made by the Governor-general in council; and that all orders and other proceedings of the Governors and Council of Fort Saint George and Bombay respectively shall be expressed to be made by the Governor in Council, and not otherwise;(1) and that the several orders and proceedings of all the said presidencies shall previous to their being published or put in execution, be signed by the chief secretary to the council of the presidency, by the authority of the Governor-general in Council, or Governor in Council, as the case may be. (2)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 57.]

(2) [*Vide* Act of Government of India, No. 2 of 1834, in Appendix.]

Governor-general in Council at Fort William empowered to superintend the other Presidencies.

XL. And be it further enacted, that the Governor-general in Council at Fort William shall have and be invested, by virtue of this Act, with full power and authority to superintend, control, and direct the several Governments and Presidencies of Fort Saint George, and Bombay, and all other Governments erected or to be erected by the said United Company, within the limits of their said exclusive trade, in all such points as shall relate to any negociations or transactions with the country powers or states, or levying war or making peace, or the collection or application of the revenues of the said acquisitions and territories in India, or to the forces employed at any of such Presidencies or Governments, or to the civil or military Government of the said Presidencies, acquisitions, or territories, or any of them.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 39, the superintendence, direction, and control of the whole civil and military Government of India is vested in the Governor-general in Council; by section 59 the subor-

dinate Governments are not to make or suspend laws excepting under urgent necessity, and then only provisionally; nor to create any new office, nor to grant any salary, allowance, or gratuity without the sanction of the Governor-general in Council: by section 65 they are bound to obey the instructions and orders of the Governor-general in Council in all cases whatsoever.]

The other Presidencies to obey the orders of the Governor-general in Council at Fort William, if not repugnant to instructions from England.

XLI. And in order to prevent the embarrassment and difficulty which may otherwise arise from any doubt whether the orders or instructions of the Governor-general in Council of Fort William relate to other points than those aforesaid, be it further enacted, that notwithstanding any doubt which may be entertained by the said Presidencies or Governments to whom such orders or instructions shall be given respecting the power of the Governor-general in Council to give such orders, yet the said Presidencies or Governments shall be bound to obey such orders and directions of the said Governor-general in Council, in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors, or from the Secret Committee of Directors, by the authority of the said Board of Commissioners for the affairs of India, repugnant to the orders and instructions of the said Governor-general in Council, and not known to the said Governor-general and Council at the time of dispatching their orders and instructions as aforesaid; and the said Governor-general in Council shall, at the time of transmitting all such orders and instructions, transmit therewith the dates of and the times of receiving the last dispatches, orders, and instructions, which they have received from the Court of Directors, or from the said Secret Committee, by the direction of the said Board of Commissioners, on any of the points contained therein; and the said Presidencies, Governments, and Settlements, in all cases where they have received any orders from the said Court of Directors, or from the said Secret Committee by the direction of the Board of Commissioners as aforesaid, which they shall deem repugnant to the orders of the said Governor-general in Council of Fort William, and which were not known to the said Governor-general and Council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all instructions or orders made by them in consequence thereof, to the Governor-general in Council of Fort William, who shall, after the receipt of the same, dispatch such further orders and instructions to the said Presidencies, and Governments or Settlements, as the said Governor-general in Council may judge necessary thereupon.

Governor-general to send dates, &c. of dispatches from England, on points contained in instructions to Presidencies, &c. who shall transmit to him copies of any orders they deem repugnant thereto.

War not to be declared, &c. by the Governor-general in Council at Fort William without the command of the Directors, &c. except preparations of hostilities shall be made, &c.

XLII. And forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation: be it further enacted, that it shall not be lawful for the Governor-general in Council of Fort William aforesaid, without the express command and authority of the said Court of Directors, or of the said secret committee by the authority of the said Board of Commissioners for the affairs of India, in any case (except where hostilities have actually been commenced, or preparations actually made for the commencement of hostilities, against the British nation in India, or against some of the princes or states dependant thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guarantee) either to declare war or commence hostilities, or enter into any treaty for making war against any of the country princes or states in India, or any treaty for guaranteeing the possessions of any country princes or states; and that in any such case it shall not be lawful for the said

Governor-general and Council to declare war or to commence hostilities, or to enter into any treaty for the making war against any other prince or state, than such as shall be actually committing hostilities, or making preparations as aforesaid, or to make such treaty for guaranteeing the possessions of any prince or state, but upon the consideration of such prince or state actually engaging to assist the Company against such hostilities commenced, or preparations made as aforesaid; and in all cases where hostilities shall be commenced, or treaty made, the said Governor-general and Council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, or to the said secret committee, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

Communication of hostilities, &c. to be made to the Directors, &c.

XLIII. And be it further enacted, that it shall not be lawful for the Governors and Counsellors of Fort Saint George and Bombay, or of any other subordinate settlement, to make or issue any order for commencing hostilities, or levying war, or to negociate or conclude any treaty of peace, or other treaty, with any Indian prince or state (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities or treaty), unless in pursuance of express orders from the said Governor-general in Council of Fort William aforesaid, or from the said Court of Directors, or from the said secret committee by the authority of the said Board of Commissioners for the affairs of India; and every such treaty shall, if possible, contain a clause for subjecting the same to the ratification or rejection of the Governor-general in Council of Fort William aforesaid: and the said Governors and Counsellors, and other officers of the said Presidencies of Fort Saint George and Bombay, or other settlements, respectively, are hereby required to pay and yield obedience to all such orders as they shall from time to time respectively receive from the said Governor-general in Council of Fort William aforesaid, concerning the matters aforesaid; and that all and singular the said Governors, Counsellors, and other officers, who shall refuse or wilfully neglect or forbear to pay obedience to such orders and instructions as they shall receive from the said Governor-general in Council of Fort William as aforesaid, shall be liable to be removed, dismissed, or suspended from the exercise of their respective offices or powers by order of the said Governor-general in Council of Fort William, and be sent to England, and be subject to such further pains and penalties as are or shall be provided by law on that behalf.(1)

Governments of Fort St. George or Bombay, not to declare war, &c. but by orders from Fort William, or the Directors, &c.

Penalty on Governors, &c. of Fort St. George and Bombay for neglect of orders from Fort William.

(1) [*Vide* note on section 40.]

XLIV. And be it further enacted, that the Governors and Counsellors of the said Presidencies of Fort Saint George and Bombay respectively for the time being, and the Governors and Counsellors, or other chief officer or officers of and belonging to any other British settlement in India, shall and they are hereby respectively required, constantly and diligently to transmit to the said Governor-general in Council at Fort William aforesaid, true and exact copies of all orders, resolutions, and acts in council of their respective governments, presidencies, and councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor-general in Council of Fort William aforesaid, or which the said Governor-general in Council shall from time to time require.(1)

Presidencies of Fort St. George, &c. to send to Fort William copies of all their orders, &c.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 68.]

Governor-general of Fort William may issue warrants for securing suspected persons.

XLV. And be it further enacted, that it shall and may be lawful for the Governor-general of Fort William aforesaid for the time being to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carrying on, mediately or immediately, any illicit correspondence dangerous to the peace or safety of any of the British settlements or possessions in India, with any of the princes, rajahs, or zemindars, or any other person or persons having authority in India, or with the commanders, governors, or presidents of any factories established in the East-Indies, by any European power, or any correspondence contrary to the rules and orders of the said Company, or of the Governor-general in Council of Fort William aforesaid; and if, upon examination taken upon oath, in writing, of any credible witness or witnesses before the Governor-general in Council of Fort William aforesaid, there shall appear reasonable grounds for the charge, the said Governor-general shall be, and is hereby authorized and empowered to commit such person or persons so suspected or accused to safe custody, and shall within a reasonable time, not exceeding five days, cause to be delivered to him or them a copy of the charge or accusation on which he or they shall have been committed, and that the party or parties accused shall be permitted to deliver in his or their defence in writing, together with a list of such witnesses as he or they shall desire to be examined in support thereof, and that such witnesses, and also the witness or witnesses in support of the charge, shall be examined and cross-examined on oath, in the presence of the party accused, and their depositions and examinations taken down in writing; and if, notwithstanding such defence, there shall appear to the said Governor-general in council reasonable grounds for the charge or accusation, and for continuing the confinement, the party or parties accused shall remain in custody until he or they shall be brought to trial in India, or sent to England for that purpose; and that all such examinations and proceedings, or attested copies thereof, under the seal of the Supreme Court of Judicature at Fort William, or of one of the Mayor's Courts, shall be transmitted to the said Court of Directors by the first dispatches, in order to their being produced in evidence on the trial of the parties, in the event of their being sent for trial to Great Britain; and in case such person or persons is or are intended to be sent to England, the said Governor-general shall and he is hereby required to cause such person or persons to be sent to England by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage, in which case he or they shall be sent as soon as his or their state of health will safely admit thereof: and that the examinations and proceedings so transmitted as aforesaid shall be admitted and received as evidence in all Courts of law, subject to any just exceptions to the competency of the said witnesses.

Proceedings to be had where reasonable grounds for the charge shall appear against such persons.

Governors of Fort St. George and Bombay to have the like powers with respect to suspected persons as the Governor-general.

XLVI. And be it further enacted, that the several Governors or Governors in Council of Fort Saint George and Bombay shall have the like powers, under and subject to the same regulations and restrictions, to secure and detain persons suspected of any such illicit correspondence as aforesaid, within their respective presidencies and settlements, and of sending them to England for trial, as are hereby given to the said Governor-general or Governor-general in Council of Fort William respectively.

Governor-general, or Governors, may order measures proposed in Council about which they differ from the other Members to be adopted or suspended, &c.

XLVII. And whereas it will tend greatly to the strength and security of the British possessions in India, and give energy, vigour, and dispatch to the measures and proceedings of the executive government within the respective Presidencies, if the Governor-general of Fort William in Bengal, and the several Governors of Fort Saint George and Bombay, were vested with a discretionary power of acting without the concurrence of their respective Councils, or

forbearing to act according to their opinions, in cases of high importance, and essentially affecting the public interest and welfare, thereby subjecting themselves personally to answer to their country for so acting, or forbearing to act: be it enacted, that when and so often as any measure or question shall be proposed or agitated in the Supreme Council at Fort William in Bengal, or in either of the Councils of Fort Saint George and Bombay, whereby the interests of the said United Company, or the safety or tranquillity of the British possessions in India, or any part thereof, are, or may, in the judgment of the Governor-general, or of the said Governors respectively, be essentially concerned or affected, and the said Governor-general or such Governors respectively shall be of opinion that it will be expedient either that the measures so proposed or agitated ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the several other Members of such Council then present shall differ in and dissent from such opinion, the said Governor-general or such Governor, and the other Members of the Council, shall, and they are hereby directed forthwith mutually to exchange with and communicate in Council to each other, in writing under their respective hands (to be recorded at large on their secret consultations) the respective grounds and reasons of their respective opinions; and if, after considering the same, the said Governor-general, or such Governor respectively, and the other Members of the said Council, shall severally retain their opinions, it shall and may be lawful to and for the said Governor-general in the Supreme Council of Fort William, or either of the said Governors in their respective Councils, to make and declare any order (to be signed and subscribed by the said Governor-general, or by the Governor making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in the whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said Governor-general, or such Governors in their respective Councils, shall think fit and expedient; which said last-mentioned order and resolution, so made and declared, shall be signed as well by the said Governor-general, or the Governor so making and declaring the same, as by all the other members of the Council then present, and shall by force and virtue of this Act be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; and the said members of Council, and all officers civil and military, and all other persons concerned, shall be and they are hereby commanded, authorized, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 49.]

Governor-general, &c. making any order without the consent of the Council, responsible for the same;

XLVIII. And be it further enacted, that the Governor-general, or Governor, who shall declare and command any such order or resolution to be made or recorded without the assent or concurrence of any of the other Members of Council, shall alone be held responsible for the same, and the consequences thereof.

but not to make any order which could not have been made with the consent of the Council.

XLIX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to give power to the said Governor-general of Fort William in Bengal, or to either of the said Governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution which could not have been lawfully made and executed with the concurrence of the Councils of the respective Governments or Presidencies, any thing herein contained to the contrary notwithstanding.

No person to act without the concurrence of the Council, on whom the office of Governor-general or Governor shall devolve by death, unless provisionally appointed, &c.

L. Provided also, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to give any discretionary power of acting, or forbearing to act, without the concurrence of the other members of Council, unto any person on whom the said office of Governor-general or the said office of Governor respectively, shall happen to devolve by the death or resignation of any Governor-general, or Governor for the time being respectively, or unto any deputy Governor-general, unless such person shall have been provisionally appointed to succeed to such respective office by the said Court of Directors, or unless and until such person shall have been or shall be confirmed in the said office, and that in the mean time all orders, resolutions, and other acts and things in such Presidency, shall be determined by the voice of the major part in number of the Governor-general and counsellors, or Governor and counsellors present at the making or doing thereof, such Governor-general or Governor having on an equality of voices a casting vote, and not otherwise, or in any other manner; any thing in this Act contained to the contrary notwithstanding.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 62.]

Governor-general, &c. not to carry into execution any order against the opinion of the Council in certain cases.

LI. Provided also, and be it further enacted, that nothing herein contained shall be construed to give power or authority to the Governor-general of Fort William in Bengal, or either of the Governors of Fort Saint George and Bombay respectively, to make or carry into execution any order or resolution against the opinion or concurrence of the counsellors of their respective governments, in any matter which shall come under the consideration of the said Governor-general, and Governors in Council respectively, in their judicial capacity; or to make, repeal, or suspend any general rule, order, or regulation for the good order and civil government of the said United Company's settlements; or to impose, of his own authority, any tax, or duty within the said respective Governments or Presidencies.

Governor-general to nominate a Vice-president of Fort William to act during his absence;

LII. And be it further enacted, that when and so often as the said Governor-general shall on any occasion be absent from his own Government of Bengal, such one of the Members of the Council thereof as the said Governor-general shall nominate for that purpose shall be styled and act as Vice-president and Deputy-governor of Fort William, and that the Government of the said Presidency shall be exercised by such Vice-president or Deputy, and the other Members or Member of the said Council, in like manner, and no further or otherwise than as the Government of the said Presidencies of Fort Saint George and Bombay may be exercised by the Governors in Council there, subject nevertheless to the restrictions in this Act contained.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 69 and 70. *Vide* also Act of Government of India, No. 26 of 1837, in Appendix.]

but while absent may issue orders to the officers and servants of the other Presidencies, &c.

LIV. And be it further enacted, that if the said Governor-general, during his absence from his own government in Bengal, shall judge it necessary to issue any orders or directions to any of the said Governments or Presidencies in India, or to any of the officers or servants of the said Company acting under the authority of any of the said Presidencies, without previously communicating such orders or instructions to the said respective Governments, under the authority of which such officers or servants shall be acting, it shall and may be lawful for him to issue the same, and that the said respective Governments or Presidencies, and also such officers and servants shall, and they are hereby severally and respectively authorized and required to obey the same, and such orders and instructions shall be of the same force as if

the same had been made by the said Governor-general in Council at Fort William, but not of any greater or other force or validity; and that if such orders or directions shall be made by the said Governor-general of his own sole authority, or without the concurrence of the other members of Council of either of the said Presidencies of Fort Saint George and Bombay respectively, in that case the said Governor-general shall be alone held responsible for the same, in the like manner as for any orders or resolutions by him made in Council at Fort William, of his own sole authority, without the concurrence of the other Members of the same Council, according to the directions and true intent and meaning of this Act: provided always, that such Governor-general shall and he is hereby required to transmit by the first opportunity, to the Governors and Councils of the respective Presidencies to which the officers or servants to whom any such orders or instructions shall be sent to be executed shall belong, copies of such orders and instructions respectively, with his reasons or inducements for issuing the same, and also to transmit to the Court of Directors of the said Company, by the first opportunity that shall or may occur, a copy of all orders and instructions by him so sent to any of the said Governments, Presidencies, officers, or servants respectively, together with his reasons and inducements for sending or issuing the same.

Directors, with the approbation of the Board, may suspend the powers of the Governor-general to act upon his own authority.

LV. Provided also, and be it further enacted, that it shall and may be lawful for the Court of Directors of the said Company, with the approbation of the Board of Commissioners for the affairs of India, to suspend all or any of the powers hereby given to the Governor-general of Fort William to act upon his own sole authority, at and for such time or times as they may judge expedient or necessary, and that the same shall be suspended accordingly, from the time of the arrival of their orders for that purpose in India; and also for the said Court of Directors, with such approbation as aforesaid, to revive the said powers, when and as they shall think fit; any thing herein contained to the contrary notwithstanding.

Civil servants to have precedency according to their appointments, &c.

LVI. And, for establishing a just principle of promotion amongst the covenanted servants of the said United Company in India on their civil establishment, and preventing all undue supercessions, be it further enacted, that all the civil servants of the said United Company in India, under the rank or degree of members of Council, shall have and be intitled to precedence in the service of the said Company, at their respective stations, according to their seniority of appointment; and no such civil servant or servants shall be capable of being advanced or promoted to any higher station, rank, or degree therein, than he or they shall be respectively entitled to according to the length of his or their service respectively; any law or usage to the contrary notwithstanding. (1)

(1) [By various later enactments power is given to make rules affecting writers appointed from the College. See 53 Geo. 3, cap. 155, sec. 44, and 1 Vic. cap. 22, sec. 1.]

Regulations for filling up vacancies in the civil line.

LVII. And be it further enacted, that all vacancies happening in any of the offices, places or employments in the civil line of the Company's service in India (being under the degree of counsellor) shall be from time to time filled up and supplied from amongst the civil servants of the said Company, belonging to the Presidency wherein such vacancies shall respectively happen, subject only to the restrictions in this Act contained, and no otherwise, (that is to say), that in the filling up and supplying such vacancies, no office, place, or employment, the salary, perquisites, and emoluments whereof shall exceed five hundred

pounds per annum, shall be conferred upon or granted to any of the said servants who shall not have been actually resident in India as a covenanted servant of the said Company for the space of three years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed one thousand five hundred pounds per annum, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said service for the space of six years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed three thousand pounds per annum, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the said Company's service for the space of nine years at the least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds per annum, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in India in the Company's service for the space of twelve years at the least in the whole, antecedent to such vacancy;(1) and that all appointments, advancements, and promotions, which shall be made for supplying any such vacancies, other than as aforesaid, shall be null and void.

(1) [By 47 Geo. 3, cap. 68, sec. 7, and 10 Geo. 4, cap. 16, sec. 2, the time spent at Haileybury may, under certain circumstances, be reckoned as time spent in India, with reference to eligibility to office or salary. By 53 Geo. 3, cap. 155, sec. 82, the period required as a qualification for a salary of £1,500 is reduced to four years; for £3,000, to seven years; and for £4,000, to ten years. See also as to Members of Council 3 & 4 Wm. 4, cap. 85, sec. 40.]

No person to hold two offices, the salaries of which amount to more than the prescribed sum.

LVIII. And be it further enacted, that no person shall for the future be capable of taking, in the civil line of the Company's service, two or more offices, places, or employments, the joint amount of the salaries, perquisites, and emoluments of which shall exceed in the whole the annual salary, perquisites, and emoluments, respectively herein-before in that behalf prescribed, any law or usage to the contrary notwithstanding.

Directors not to send out more persons than necessary to supply the complement of the establishment.

LIX. And be it further enacted, that it shall not be lawful for the Court of Directors of the said Company to appoint or send out to India a greater number of persons in the capacity of cadets or writers, or in any other capacity than will be necessary, in addition to those already in India, to supply the proper complement of officers and servants contained in the said list of their establishments, according to such returns of vacancies as the respective governments in India shall transmit from thence to the said Court of Directors.(1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 103.]

Writers and cadets to be of certain ages.

LX. And be it further enacted, that no person shall be capable of acting, or being appointed or sent to India, in the capacity of writer or cadet, whose age shall be under fifteen years, or shall exceed twenty-two years,(1) nor until the person proposed, or intended to be so

appointed, shall have delivered to the said Court of Directors a certificate of his age, under the hand of the minister of the parish in which he was baptized, or keeper of the registry of baptism of such parish; and if no such registry can be found, an affidavit of that circumstance shall be made by the party himself, with his information and belief that his age is not under fifteen years, and doth not exceed twenty-two years:(1) provided nevertheless, that the said restriction shall not extend to prevent the said Court of Directors from appointing any person to be a cadet who shall have been for the space of one year at least a commissioned officer in his Majesty's service, or in the militia or fencible men when embodied, and hath been called into actual service, or from the company of cadets in the royal regiment of artillery, and whose age shall not exceed twenty-five years.

(1) [Extended as to writers to twenty-three years by 1 Vic. cap. 70, sec. 4 and 5.]

British-born subjects appointed to receive rents, &c. to take an oath.

LXI. And for preventing the abuses which have formerly prevailed in the collection and receipt of the revenues of the said territories and acquisitions in India, be it further enacted, that every person (being a British-born subject) who is or shall be appointed or authorized to collect, manage, control, or receive the rents, duties, or revenues of and belonging, and due and payable to the said Company in India, shall, before he enters upon the collection and receipt thereof, take and subscribe the following oath, which oath the Chief Justice, or one of the puisne Judges of the Supreme Court of Judicature at Bengal, or the Mayor or other magistrate in any of the other Presidencies or settlements, or such other person as shall be deputed or authorized by any order in Council of any of the said Presidencies in that behalf, shall and is hereby authorized and commanded to administer; and such oath so administered shall be recorded in the Supreme Court at Calcutta, or in one of the said provincial or Mayor's Courts; (that is to say):

The oath.

"I, A. B. do promise and swear, that I will, to the utmost of my endeavours, well and "faithfully execute and discharge the duties of an officer of revenue, reposed in and committed to me by the United Company of Merchants of England trading to the East-"Indies; and that I will not demand, take, or accept, directly or indirectly, by myself "or by any other person for my use, or on my behalf, of or from any Rajah, Zemindar, "Talookdar, Polygar, Farmer, Renter, or Ryot, or from any person paying or liable to "pay any tribute, rent, or tax, to or for the use of the said United Company, any sum "of money or other valuable thing by way of gift, present or otherwise, over and above, "or besides and except the actual tribute, rent or tax authorized to be taken by and for "the use of the said United Company; and that I will justly and truly account for, "answer, and pay, all the rents, duties, and other revenues and sums of money which "shall come to my hands, or to the hands of any person or persons in trust for or "employed by me, as an officer of the revenues of the said Company, unto the said "United Company.

"So help me God."

Receiving gifts to be deemed a misdemeanor.

LXII. And be it further enacted, that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for the use of the said Company, or of any other person whatsoever, by any British subject, holding or exercising any office or employment under his Majesty, or the said United Company in the East-Indies, shall be deemed and taken to be extortion and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act, and the offender shall also forfeit to

the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

The Court may order gifts to be restored, and fines to be given to the prosecutor.

LXIII. Provided always, and be it further enacted, that the Court or Jurisdiction before whom any such offence shall be tried, shall have full power and authority to direct the said present or gift, or any part thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

Counsellors at law, physicians, surgeons, and chaplains may take fees in their professions.

LXIV. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person exercising the profession of counsellor at law, physician, or surgeon, or any chaplain, from accepting, taking, or receiving fees, gratuities, or rewards *(bonâ fide)* in the way of his profession only.

Neglect to execute the orders of the Directors, &c. to be deemed a misdemeanor;

LXV. And be it further enacted, that the wilful disobeying, or the wilfully omitting, forbearing, or neglecting to execute the orders or instructions of the Court of Directors of the said Company, by any Governor-general, Governor, President, Counsellor, or Commander-in-chief, or by any other of the officers or servants of the said United Company in the East-Indies (unless in cases of necessity, the burthen of the proof of which necessity shall lie on the party so disobeying, or omitting or forbearing to execute such orders and instructions as aforesaid), and every wilful breach of the trust and duty of any office or employment, by any such Governor-general, Governor, President, Counsellor, or Commander-in-chief, or by any of the officers or servants of the said United Company in the East-Indies, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act.

as also any corrupt bargain for giving up or obtaining any employment.

LXVI. And be it further enacted, that the making or entering into, or being a party to any corrupt bargain or contract, for the giving up, or for obtaining, or in any other manner touching or concerning the trust and duty of any office or employment under the Crown, or the said United Company, in the East-Indies, by any British subject whomsoever there resident, shall be deemed and taken to be a misdemeanor at law, and shall be proceeded against and prosecuted as such by virtue of this Act.

His Majesty's subjects amenable to courts of justice in India and Great Britain for offences in the territories of native princes.

LXVII. And be it further enacted, that all his Majesty's subjects, as well servants of the said United Company as others, shall be and are hereby declared to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions. trespasses, misdemeanors, offences, and crimes whatever, by them or any of them done or to be done, or committed in any of the lands or territories of any native prince or state, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British government in India.

No action to be stayed without the approbation of the Board.

LXVIII. And be it further enacted, that it shall not be lawful for the said United Company, or for any of their officers or servants, or for the Court of Directors of the said Company, to discontinue, stay, or compound, or settle or agree any actions or suits at law or equity now depending, or hereafter to be commenced before a final decree or judgment shall be obtained or given therein, unless by and with the approbation of the Board of Commissioners for the affairs of India, for that purpose in writing first had and obtained; and that

all compositions and agreements made for any of the purposes aforesaid by the Court of Directors of the said Company, with the approbation of the said Board, shall be valid and effectual in that behalf, any thing herein or in any other Act or Acts contained to the contrary notwithstanding.

Company not to release sentences or restore servants dismissed by sentences.

LXIX. And be it further enacted, that after sentence or judgment of any Court having competent jusisdiction, whether in Great Britain or in India, against any Governor-general, Governor, President, Counsellor, or Commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it shall not be lawful for the said United Company in any case whatever to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who shall have been removed or dismissed from his or their office or employment for or on account of misbehaviour by the sentence of any of the said Courts.

No person, under the degree of a Member of Council or Commander-in-chief, who shall not return to India within five years from his leave to depart, shall be entitled to rank, &c. except as herein provided.

LXX. And be it further enacted, that no person who shall have held any civil or military station whatever in India in the service of the said United Company, being under the rank or degree of a member of Council or Commander-in-chief of the forces, and who, having departed from India by leave of the Governor-general in Council or Governor in Council, shall not return to India within the space of five years next after such departure, shall be entitled to any rank or restoration of office, or be capable of again serving in India, either in the European or native corps of troops, or in the civil line of the Company's service, unless in the case of any civil servant of the Company it shall be proved to the satisfaction of the Court of Directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to India by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in general Court, specially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in the London Gazette, or unless, in the case of any military officer, it shall be proved to the satisfaction of the said Court of Directors, and the Board of Commissioners for the affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident.

The Company to enjoy all profits, &c. granted by any other Acts or Charters, freed from conditions of redemption, &c.

LXXII. And be it further enacted, that the said Company shall at all times hereafter (subject as aforesaid) have, hold, and enjoy, and be entitled unto all and singular the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suits, penalties, forfeitures, disabilities, provisions, matters, and things whatever, which by any former Act or Acts of Parliaments, or by any Charter or Charters founded thereupon, or by any clause or clauses in the said Acts or Charters contained, are enacted, given, granted, provided, limited, established, or declared to, for, touching, or concerning the said Company or body politic and corporate, either by the name of "The General Society entitled to the advantages given by an Act of Parliament for advancing a sum not exceeding two millions for the service of the Crown of England," or the said body politic and corporate called by the name of "The English Company trading to the East-Indies," or the said body politic and corporate called by the name of "The United Company of Merchants of England trading to the East-Indies," and not by this Act or any other Act now in force repeated or altered, according to the tenor and true meaning of the said Acts and Charters, and of this Act, freed and discharged from all provisoes and conditions of redemption and determination in any former Act or Acts contained; and the same, and every of them, are and is hereby ratified and confirmed, and shall continue to be held and

enjoyed, and be practised and put in execution, by the said Company and their successors, for the better and more effectually settling and securing to them and their successors the whole, sole, and exclusive trade to the East-Indies and parts aforesaid, and for the preventing trade thereto, contrary to the true intent and meaning of this Act, and for securing also their possessions, estate, and effects, and governing their affairs and business in all respects, as fully and effectually as if the same profits, benefits, advantages, trade, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods, suits, penalties, forfeitures, disabilities, provisions, matters, and things, were severally repeated and at large re-enacted in the body of this Act; subject nevertheless to such restrictions, covenants, and agreements, as are contained in the said Acts or Charters now in force, and not herein or hereby repealed, varied, or altered, and subject also to the several enactments, conditions, limitations, and provisoes in this Act contained.

Section 73 contains a proviso for the termination of the exclusive trade upon three years' notice.

Their Corporation not to be determined, &c.

LXXIV. Provided also, and be it further enacted, that nothing in the said proviso last hereinbefore contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the said Charter of the fifth day of September, in the tenth year of his reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the Corporation of the said United Company, or to hinder, prevent, or preclude the said Company, or their successors, from carrying on at all times, after such determination of the right to the sole, whole, and exclusive trade as aforesaid, a free trade, in, to, and from the East-Indies and parts aforesaid, with all or any part of their joint stock in trade, goods, merchandises, estate, and effects, in common with other the subjects of his Majesty, his heirs and successors, trading to, in, or from the said parts or limits.

Act not to affect the rights of the Company or the public respecting the territorial acquisitions and revenues beyond the further term granted.

CXXIII. Provided also, and be it further enacted, that the appropriation made by this Act (1) of the clear profits of the said territorial acquisitions and revenues in India, shall not extend, or be construed to extend, to prejudice or affect the rights of the public, or of the said United Company, respecting the said territorial acquisitions and revenues, beyond the further term by this Act granted to the said United Company, under the limitations thereof in the sole and exclusive trade to the East-Indies, and parts aforesaid.

(1) [The appropriation clauses are not inserted in this collection. The latest enactments for the disposition of the revenues of India will be found in 3 & 4 Wm. 4, cap. 85.]

No grant of new salaries, &c. above £200 to be good, unless confirmed by the Board.

CXXV. And whereas, for protecting the funds of the said Company during their further term in the said exclusive trade from being burthened with any improper charges, it is expedient that the said Company should be put under reasonable limitations in respect to the granting of pensions or increasing the salaries of their officers and servants, or creating new establishments; be it further enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of this Act, and during the continuance of their right in the said exclusive trade,(1) whereby the said funds may become chargeable with any new salary or increase of salary, or any new or additional establishment of officers or servants, or any new pension, or increase of pension, to any one person, exceeding two hundred

pounds per annum, shall be available in law, unless such grant or resolution shall be approved and confirmed by the Board of Commissioners for the affairs of India, attested under the hand of the President of the said Board.

(1) [The exclusive trade with India terminated in 1814; that with China in 1834; but by the 3 & 4 Wm. 4, cap. 85, sec. 2, all enactments and provisions of former Acts limited to the term granted by 53 Geo. 3, cap. 155, are continued, so far as they were in force at the time of passing the first-named Act (3 & 4 Wm. 4, cap. 85) and were not repealed thereby or repugnant thereto. By the same Act, sec. 25, the power of the Board is extended to all grants of salaries, gratuities, and allowances, whatever the amount, with the exception, under sec. 37, of such as are paid out of the sum placed at the discretion of the Court of Directors for the expenses of the home establishment.]

Directors to lay before Parliament yearly certain accounts.

CXXVI. And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the thirtieth day of March in every year, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, and with as much accuracy as the nature of the case will admit, of the annual produce of the revenues of the British territories in India, distinguishing the same under the respective heads thereof at each of their several Presidencies or settlements, with the amount of their sales of goods and stores within the limits of their exclusive trade, and of all their annual disbursements within the said limits, distinguishing the same under the respective heads thereof, together with the latest estimate of the same; and also the amount of their debts abroad, with the rates of interest they respectively carry, and the annual amount of such interest; the state of their effects at each Presidency or settlement, and in China, consisting of cash and bills in their treasuries, goods and stores, and debts owing to the said Company, according to the latest advices which shall have been received thereof; and also a list of their several establishments in India, and other parts within the limits of their exclusive trade, and the salaries and allowances payable by the said Company in respect thereof: and also another annual account, made up to the first day of March next preceding the delivery thereof to Parliament, containing the amount of the proceeds of the sale of the goods and merchandises of the said Company in Great Britain, and of their commercial and other receipts, charges, and payments in Great Britain, under the several heads thereof, together with an estimate of the same for the current year, and a statement of their bond debts and simple contract debts, with the rates of interest they respectively carry, and the amount of such interest, and the state of the cash remaining in their treasury, and other effects appertaining to the Company in Great Britain, or afloat; and if any new or increased salaries, establishments, or pensions, payable in Great Britain, shall have been granted or created within the preceding year, the particulars thereof shall be specially stated and inserted at the foot of such accounts. (1)

(1) [By 54 Geo. 3, cap. 36, sec. 55, the accounts were to be made up to the 1st of May, and presented to Parliament within the first fourteen

sitting days after that period. By 3 & 4 Wm. 4, cap. 85, sec. 116, the accounts are to be presented within the first fourteen sitting days after the 1st of May, and to be made up according to the latest advices. By this Act also some changes are made in the particulars of the required accounts, adapting them to the altered circumstances of the Company, all that relates to trade being omitted.]

From Dec. 24, 1792, expenses of such troops to be repaid by the Company.

CXXVIII. And be it further enacted, that from the said twenty-fourth day of December, one thousand seven hundred and ninety-two, all sums issued by the said Paymaster-general of his Majesty's forces, for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said Company; and that the actual expenses only which since the said twenty-fourth day of December, one thousand seven hundred and ninety-two, have been, or which hereafter shall be incurred for the support and maintenance of the said troops, shall be borne and defrayed by the said Company; any clause or provision contained in the said recited Act of the twenty-first year of his Majesty, or any other Act or Acts, to the contrary notwithstanding.(1)

(1) [*Vide* note on 28 Geo. 3, cap. 8, sec. 2.]

No Governor-general, &c. to trade, except on account of the Company.

CXXXVII. And be it further enacted, that it shall not be lawful for any Governor-general or Governor, or any Member of Council of the said Presidencies in India, to be concerned in any trade or traffic whatever, except on account of the said Company, nor for any collector, supervisor, or other person employed or concerned in the collection of the revenues, or the administration of justice in the provinces of Bengal, Bahar, and Orissa, or either of them, or their agents or servants, or any person or persons in trust for them or any of them, to carry on or be concerned in or to have any dealings or transactions, by way of traffic or trade, at any place within any of the provinces in India, or other parts, or to buy any goods, and sell the same again, or any part thereof, at the place where he or they bought the same, or at any other place within the same province, or any other such province or country respectively, except on account of the said Company; nor shall it be lawful for any of the Judges of the Supreme Court of Judicature to be concerned in any trade or traffic whatever; nor shall it be lawful for any of his Majesty's subjects in the said provinces to engage, intermeddle, or be in anywise concerned, directly or indirectly, in the inland trade in salt, beetle nut, tobacco, or rice, except on account of the said Company, or with their permission, on pain of forfeiting all such goods or commodities which they, or any of them, shall so buy and sell again, by way of traffic, or in which any of them shall so trade, and also treble the value thereof, one moiety to the said United Company, and the other moiety to him or them who will sue for the same.

No Judge to be concerned in any trade.

No person whatever to be concerned in the inland trade in salt, &c. except with the Company's permission.

So much of 9 & 10 Wm. 3, c. 44, as inflicts penalty for illegally trading to the East-Indies;

CXLVI. And be it further enacted, that so much of an Act made in the ninth and tenth years of the reign of King William the Third, intituled, "An Act for raising a sum not exceeding two millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the Trade to the East-Indies," as inflicts any penalty or forfeiture for visiting, haunting, frequenting, trading, trafficing, or adventuring in, to, or from the East-Indies, or other of the parts before-mentioned, contrary to the true meaning of the said Act; and the whole of an Act made in the fifth year of the reign of King George the

First, intituled, "An Act for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies, and for the more effectually preventing all his Majesty's Subjects trading thither under Foreign Commissions;" and so much of any Act or Acts as continues the said Act of the fifth of King George the First; and so much of an Act of the seventh year of King George the First, intituled, "An Act for the further preventing his Majesty's Subjects from trading to the East-Indies, under Foreign Commissions, and for encouraging and further securing the lawful Trade thereto, and for further regulating the Pilots of Dover, Deal, and the Isle of Thanet," as relates to the punishment or prosecution of persons for sailing, going, or repairing to, or trading, trafficking, or adventuring in, to, or from the East-Indies, or parts aforesaid, to the prejudice of the said United Company, contrary to the laws then in being, or to the said Act, and the whole of an Act made in the ninth year of King George the First, intituled, "An Act to prevent his Majesty's Subjects from subscribing or being concerned in encouraging or promoting any subscription for an East-India Company in the Austrian Netherlands, and for the better securing the lawful Trade of his Majesty's Subjects to and from the East-Indies;" and so much of an Act made in the third year of King George the Second, intituled, "An Act for reducing the Annuity or Fund of the United East-India Company, and for ascertaining their right of Trade to the East-Indies, and the continuance of their Corporation for that purpose, upon the Terms therein mentioned;" and so much of an Act made in the seventeenth year of King George the Second, intituled, "An Act for granting to his Majesty the surplus or remainder of the Monies arising or to arise by the duties on Spirituous Liquors, granted by an Act of the last session of Parliament, and for explaining and amending the said Act, in relation to the retailers of such Liquors, and for establishing an agreement with the United Company of Merchants of England trading to the East-Indies," as respectively creates any penalty or forfeiture, with a reference to the said Act of the seventh of King George the First, for the mode of suing, distributing and recovering the same; and so much of an Act made in the tenth year of his present Majesty, intituled, "An Act for better regulating Persons employed in the service of the East-India Company, and for other purposes therein mentioned," as subjects any persons concerned in the illicit trade to, in, or from the East-Indies therein recited, or in any trade thereby made punishable, to any penalty or penalties; and also so much of an Act made in the thirteenth year of his present Majesty, intituled, "An Act for establishing certain Regulations for the better management of the Affairs of the East-India Company, as well in India as in Europe;" as provides for the delivery of any letters or advices to the principal Secretaries of State, or as makes it unlawful for any Governor-general, or any of the Council of the presidency of Fort William in Bengal, or any Chief Justice, or any of the Judges of the Supreme Court of Judicature at Fort William, aforesaid, to be concerned in any dealings or transactions by way of traffic or commerce,(1) and as makes it unlawful for any collector, supervisor, or any other of his Majesty's subjects employed or concerned in the collection of the revenues or the administration of justice in the provinces of Bengal, Bahar, and Orissa, or their agents or servants, or any persons in trust for them, to buy any goods or commodities by way of trade in those provinces, and to sell again within the same provinces,(1) and as makes it unlawful for any of his Majesty's subjects in the said provinces to be concerned in the inland trade in salt, beetle nut, tobacco, or rice, except as therein mentioned,(1) and as makes it unlawful for persons dismissed from or resigning the service of the said Company, or for any free merchant, free mariner, or other person, whose covenants or agreements with the said Company shall be expired, to be concerned in any trade or commerce in the East-Indies, other than for the disposal of his or their stock in hand, without the license of the said Company, or such Governor-general in Council, or President and Council, as therein are mentioned; and so much of the aforesaid Act made in

5 Geo. 1, c. 21.

So much of any Acts as continue 7 Geo 1, c. 44, and 5 Geo. 1, c. 71, as relates to punishment of persons illegally trading to the East-Indies;

9 Geo. 1, c. 26.

So much of 3 Geo. 2, c. 14; and

of 17 Geo. 2, c. 17, as creates any penalty with reference to 7 Geo. 1, c. 21, for suing, &c. for the same;

So much of 10 Geo. 3, c. 47, as subjects illicit traders to, in, or from the East-Indies, to penalty;

So much of 13 Geo. 3, c. 63, as provides for delivery of advices to the Secretaries of State, &c.

the twenty-first year of his present Majesty as prohibits any of the servants of the said Company, or other British subjects in India, from lending money to any foreign company or foreign European merchants, or to purchase goods in India for or on account of any such companies or merchants, or from being concerned in lending money or purchasing goods to furnish any such companies or merchants, with the credit of such bills of exchange as are described in the said Act, or as makes provision, by penalty or forfeiture, or otherwise, for securing the sole and exclusive trade of the said United Company, in, to, and from the East-Indies and parts aforesaid, subject as therein is mentioned, or as prohibits the Court of Directors of the said Company from putting a stop to any suit or suits, or to remit or mitigate the penalty, damages or satisfaction, sought to be recovered thereby before a final judgment or decree obtained in such suit or suits; and also an Act made in the twenty-fourth year of his Majesty's reign, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East-Indies," save and except so much and such parts of the last-mentioned Act as relates to the debts of the Nabob of Arcot or the Rajah of Tanjore, or as provides for the redress of injuries and wrongs to any Rajahs, Zemindars, Polygars, Talookdars, and other native landholders within the British territories in India, and except so much and such parts of the same Act as are now in force for providing for, or which relate to or concern the new Court of Judicature by the said Act established for the more speedy and effectual trial of persons so accused of offences committed in the East-Indies, or any proceedings had or to be had by or under the authority of the said Court, and not by this Act varied or altered, and also except such parts of the said Act as provides for the repeal of any former Act or Acts; and also an Act made in the twenty-sixth year of his Majesty's reign, intituled, "An Act to explain and amend certain Provisions of an Act made in the twenty-fourth year of the reign of his present Majesty, respecting the better Regulation and Management of the Affairs of the East-India Company," except so much thereof as repeals any former Act or Acts; and also so much of an Act made in the same twenty-sixth year of his present Majesty, for the further regulation of the trial of persons accused of certain offences committed in the East-Indies, and for other the purposes in the title of the said Act mentioned, as makes offences against any law for securing such exclusive trade as aforesaid to the said United Company, and all forfeitures and penalties for illicitly trading or for being in the East-Indies, prosecutable, or makes any seizure of any ship or goods within the limits of the said exclusive trade cognizable in the Supreme Court of Judicature at Fort William in Bengal, or in the respective Mayor's Courts of Fort Saint George and Bombay, or as relates to persons whose licenses to go to or trade or reside within the limits of the said exclusive trade shall have ceased and determined, or who shall have been dismissed from or have resigned the said Company's service, or as relates to or as makes the powers of arresting, seizing, remitting, or sending to England, any person or persons in the East-Indies, or limits aforesaid, or for seizing any ships or goods liable to seizure by the said Company, enforceable and executable by the Governor-general and Council of Fort William in Bengal, or the Presidents and Councils of Fort Saint George and Bombay respectively, or the other person and persons therein mentioned, shall be and are, and is hereby repealed and made void.

So much of 21 Geo. 3, c. 65, as prohibits the lending money to foreign Companies, &c.

24 Geo. 3, sess. 2, c. 25, except such parts as relate to the debts of the Nabob of Arcot, &c.

26 Geo. 3, c. 16. except so much as repeals former Acts;

and so much of 26 Geo. 3, c. 57, as makes offences against the law for securing the exclusive trade of the Company, &c. enforceable in the East-Indies, repealed.

(1) [*Vide* section 137 of this Act.]

CXLVII. Provided always, and be it enacted and declared, that the aforesaid repeal shall not extend to any offence committed against any of the statutes hereby wholly or in part re-

Repeal not to extend to offences committed before the passing this Act, &c.

pealed, or matter or thing lawfully done in Great Britain respectively, by virtue of any of the same statutes, before the passing of this Act, nor to any offence committed or to be committed in the East-Indies against any such statutes, or matter or thing lawfully done or to be done there, by virtue of any of the same statutes respectively, before the commencement of this Act in India; but that all and every such offences shall and may be prosecuted, and all and every such matter and thing shall be held to be of the same force, validity and effect respectively, as if this Act had not been made, any thing herein contained to the contrary notwithstanding.

nor to affect the powers given by 28 Geo. 3, c. 8, and 31 Geo. 3, c. 10, concerning expenses of additional forces in the East-Indies.

CXLIX. Provided also, and be it further enacted and declared, that the said repeal shall not extend to abridge, vary, or affect any of the powers given by, or declared to be vested in, the Board of Commissioners for the affairs of India, by two several Acts, made in the twenty-eighth and thirty-first years of his Majesty's reign respectively, concerning the expenses incurred or to be incurred in raising, transporting, and maintaining certain of his Majesty's forces in the said Acts mentioned, for the security of the said territories and possessions in India, in addition to the forces then there, but that the several powers and authorities by the said two several Acts, or either of them, given to, or declared to be vested in the said Board of Commissioners, shall and may be exercised by the Board of Commissioners for the affairs of India, to be appointed by virtue of this Act, in as large and ample manner and form as if the same were repeated and re-enacted, or vested in the said Board of Commissioners, by express words in and by this Act, any thing herein contained to the contrary notwithstanding.

Acts repealed not to bar actions.

CL. And, for obviating any doubts which might otherwise arise how far any of his Majesty's subjects may, notwithstanding the aforesaid repeal of the said several Acts or parts of Acts, be entitled to recover any debts due to them in Great Britain, or in parts beyond the seas, or otherwise to enforce the execution of any contracts or agreements, by reason of any pretext, to be set up by any other person or persons, that such debts were contracted, or that such contracts or agreements were made contrary to the restrictions or prohibitions in the said Acts, or some of them, contained, be it further enacted, that it shall not be competent or lawful to or for any defendant or defendants in any suit or action now depending, or hereafter to be brought in any Court either in Great Britain or in the East-Indies, to plead or set up any Act or Acts, in the whole or in part repealed by this Act, in bar of any such suit or action, or of any judgment or recovery to be obtained therein, but that the plaintiff or plaintiffs in all and every such suits or actions, as well in law as in equity, shall have the same remedy to recover, and be entitled to the like judgment, verdict, decree, and execution, as if the said Acts or parts of Acts so repealed had never been made, any Act or Acts to the contrary notwithstanding.

CLI. And whereas the Governor-general and the other Members of the Supreme Council of Fort William in Bengal, and the Chief Justice and other Justices of the Supreme Court of Judicature at Fort William aforesaid, are at present the only persons authorized by law to act as Justices of the Peace within and throughout the provinces, districts, and countries of Bengal, Bahar, and Orissa; and the Governor or President, and the other Members of the Council of Fort Saint George, on the coast of Coromandel; and the Governor or President, and the other Members of the Council of Bombay, are the only persons authorized by law to act as Justices of the Peace in and for the presidency of Fort Saint George, and the presidency, island, town, and factory of Bombay, and the places belonging and subordinate to the said two last-mentioned

presidencies, respectively: And whereas, for preserving and maintaining the peace in the said provinces and presidencies aforesaid, and the places subordinate thereto, it is expedient that a further number of persons should be appointed to act as Justices of the Peace in and for the same respectively: Be it therefore further enacted, that it shall and may be lawful to and for the Governor-general in Council of Fort William in Bengal for the time being, by commissions to be from time to time issued under the seal of the Supreme Court of Judicature there, in the name of the King's Majesty, his heirs and successors, tested in the name of the Chief Justice of the said Court (which said commissions the said Supreme Court of Judicature is hereby authorized and required from time to time, by any order or warrant from the said Governor-general in Council, to issue accordingly), to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said Governor-general in Council shall think properly qualified, to act as Justices of the Peace within and for the said provinces and presidencies, and places thereto subordinate respectively, and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof, and of this Act, have full power and authority to act as Justices of the Peace, according to the tenor of the same commissions, wherein they shall be respectively named in and for the provinces and presidencies aforesaid, and places subordinate thereto respectively: and the said Supreme Court, upon any requisition in writing from the said Governor-general in Council, shall and may from time to time supersede such commissions, and upon like requisition issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said Governor-general in Council in that behalf, all which commissions shall be filed of record in the respective Courts of Oyer and Terminer of the province, presidency, or place wherein and for which the same shall be issued as aforesaid: Provided always, that the persons who shall be so nominated and appointed as aforesaid shall not be capable of holding any Court of Oyer and Terminer and Gaol Delivery, nor to sit in any such Court, unless the Justices of the said Court shall, on any particular occasion, call upon them so to do, in which case, and so often as the same shall happen, the persons so called upon shall and may for that time associate with them, and sit as Justices of the said Court of Oyer and Terminer and Gaol Delivery by virtue of this Act, and have a deliberative voice, being first specially authorized for that purpose by order in Council.(1)

Power given to the Governor-general in Council of Fort William, &c. to appoint Justices of the Peace.

Such Justices not to sit in Courts of Oyer and Terminer unless called upon.

(1) [The 47 Geo. 3, sess. 2, cap. 68, sec. 6, repeals so much of the above as authorizes the Governor-general in Council to appoint Justices of the Peace for Fort St. George or Bombay, that authority being given by section 5 to the Governor in Council of the respective Presidencies. The 2 & 3 Wm. 4, cap. 117, sec. 1, removes the restriction as to British inhabitants, and renders eligible all persons not subjects of a foreign state.]

CLII. Provided always, and be it further enacted, that no person to be nominated and appointed in and by any such commission as aforesaid shall be capable of acting as a Justice of the Peace in any of the said provinces or presidencies, until he shall have taken and subscribed in the Court of Oyer and Terminer of the province or presidency for which he shall

No persons capable of acting as a Justice of the Peace till they have taken the requisite oaths.

be appointed to act as a Justice of the Peace, the like oaths as are appointed to be taken by Justices of the Peace in Great Britain, or as nearly to the tenor thereof as the case will admit, and as shall be approved by the said Court; the oath of qualification prescribed by an Act of the eighteenth year of his late Majesty King George the Second, intituled "An Act to amend and render more effectual an Act passed in the fifth Year of his present Majesty's Reign, intituled 'An Act for the Qualification of Justices of the Peace,'" only and always excepted.(1) 18 Geo. 2, c. 20.

(1) [By 53 Geo. 3, cap. 155, sec. 112, the oaths may be taken in any civil or criminal Court of Justice within the provinces in and for which the commission has issued, and before any other Justice of the Peace. The 2 & 3 Wm. 4, cap. 117, sec. 1, which admits natives to the office, subjects all persons appointed to all the provisions of the law then existing, except as to the taking of oaths; but directs that they shall bind themselves by such oaths or solemn affirmations as may be prescribed by the Government.]

Proceedings of the Justices of the Peace may be removed by *certiorari* into the Court of Oyer and Terminer.

CLIII. Provided always, and be it further enacted and declared, that all convictions, judgments, orders, and other proceedings, which shall be had, made, or pronounced by or before any Justice or Justices of the Peace within any of the British settlements or territories in India, out of the Court of Oyer and Terminer within and for the same, shall and may be removeable, by writ of *certiorari*, into the Court of Oyer and Terminer and gaol delivery of and for the same presidency, at the instance of any of the parties thereby affected or aggrieved, at any time within the space of six calendar months next after the making or pronouncing thereof respectively; and for that purpose it shall and may be lawful to and for any one or more of the Justices of the said Court of Oyer and Terminer and gaol delivery, and such Justice or Justices is and are hereby required, at the instance of such party or parties, to grant his fiat or warrant to the keeper of the rolls of the peace, or other proper officer, to award a writ of *certiorari* under the seal of the Supreme Court of Judicature, when the matter shall arise in Bengal, Bahar, or Orissa, or, if it shall arise in the presidency of Fort Saint George, or in the presidency of Bombay, or in any settlement or place subordinate thereto respectively, then under the seal of the Mayor's Court of the presidency wherein the matter shall so arise, or to which the cognizance thereof shall belong, for the removal and bringing of such conviction, judgment, order, or other proceeding into the said Court of Oyer and Terminer and gaol delivery, and that the said Court of Oyer and Terminer and gaol delivery shall have full power and authority to hear and determine the matter of such conviction, judgment, order, and other proceeding so removed, and to quash or affirm the same, so that the same be not quashed for want of form, but on the merits only, and to pronounce judgment thereon, in the like manner as the Court of King's Bench at Westminster can or may do upon convictions, judgments, orders, or other proceedings had or made by or before any Justices of the Peace, or court or quarter sessions in England removed or brought into the said Court of King's Bench by writ of *certiorari*.

Before granting writs of *certiorari*, recognizance to be entered into.

CLIV. Provided also, and be it enacted and declared, that before the granting of any such writ the like recognizances shall be entered into, and the party or parties applying for such

78543 N.a.43

writ shall be put under the same terms and conditions, in all respects, as are by law directed and provided in the cases of writs of *certiorari* awarded or granted for the removal of any conviction, judgment, order, or other proceeding, had or made by or before any Justice or Justices of the Peace in England into the said Court of King's Bench, or as by the usage and practice of the same Court hath been accustomed.

Justices of the Peace may sit in the Council of the Presidency to hear appeals.

CLV. And be it further enacted, that it shall and may be lawful for the Governor-general in Council of Fort William, or the Governors of Fort Saint George and Bombay, by any order to be made in their Councils respectively, to call any of the Justices of the Peace authorized in and by any such Commission or Commissions as aforesaid, to sit and associate with the said Governor-general in Council, or Governor in Council, for the more speedy hearing and determining of causes appealed; and that the said Justices shall, and they are hereby authorized and required, when so called upon, to act as Justices in the Court of Appeals accordingly, and to have and use deliberative voice in all proceedings upon such appeals.

Charter of Justice, dated 26th March 1774, recited.

CLVI. And whereas, by the Charter of Justice under the great seal of Great Britain, bearing date the twenty-sixth day of March, in the fourteenth year of his present Majesty's reign, for establishing the Supreme Court of Judicature of Fort William in Bengal, his Majesty did grant, ordain, establish, and appoint, that the said Supreme Court of Judicature should be a Court of Admiralty, with power and authority to inquire, hear, try, examine, and determine, by the oaths of British subjects, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon the high seas, rivers, ports, creeks, harbours, and places over-flown, within the ebbing and flowing of the sea and high-water mark, within, about, and throughout the provinces, countries, or districts of Bengal, Bahar, and Orissa, and the territories or islands adjacent thereto and dependant thereon; the cognizance whereof doth belong to the jurisdiction of the Admiralty, as the same is used and exercised in that part of Great Britain called England: And whereas doubts have arisen how far the jurisdiction of the said Supreme Court, in criminal matters, is limited by the said Charter to offences committed on the coasts of Bengal, Bahar, and Orissa, territories or islands respectively, within the ebbing and flowing of the sea and high-water mark: and inasmuch as it is essentially necessary that the Admiralty jurisdiction of the said Supreme Court of Judicature should extend to crimes and offences committed on the high seas at large: be it further enacted and declared, that the power and authority of the said Court, granted to them by the said Charter of Justice, shall extend and be extended to the high seas, and that the said Court shall, by force and virtue of this Act, have full power and authority to inquire, hear, try, examine, and determine, by the oaths of honest and lawful men, being British subjects, resident in the town of Calcutta, all treasons, murders, piracies, robberies, felonies, maimings, forestallings, extortions, trespasses, misdemeanors, offences, excesses, and enormities, and maritime causes whatsoever, according to the laws and customs of the Admiralty of England, done, perpetrated, or committed upon any of the high seas, and to fine, imprison, correct, punish, chastise, and reform parties guilty, and violators of the laws, in like and in as ample manner, to all intents and purposes, as the said Court might or could do if the same were done, perpetrated, or committed within the limits prescribed by the said Charter of Justice, and not otherwise, or in any other manner.

Power given by recited Charter to the Supreme Court of Judicature, to extend to the high seas.

Presidencies may appoint coroners, who may exercise the same powers as coroners in England.

CLVII. And whereas it is expedient that coroners should be appointed for the settlements in India, for taking inquests upon view of the bodies of persons coming, or supposed to have come to an untimely end: be it enacted, that the Governor-general in Council at Fort William, and the Governors in Council at Fort Saint George and Bombay, within their several Presidencies and Governments respectively, shall have full power and authority, by Orders in Council, from time to time to nominate and appoint so many coroners, being British subjects, as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like orders to supersede and remove the persons so appointed, as occasion may appear to require; and that the persons so nominated, and taking and subscribing, before one of the Judges of the Supreme Court of Judicature, or one of the Mayor's Courts, the like oaths as are directed to be taken by the coroners of counties in England, shall and may, by force of this Act, have, do, execute, perform, and exercise the like powers, authorities, and jurisdictions, within the Presidency or settlement for which they shall be so respectively nominated and appointed, as by law may be had, done, executed, performed, or exercised by coroners elected for any county or place in England, and not otherwise, or in any other manner; and that such coroners shall have and be entitled unto such reasonable fees and allowances, for the performance of the duty of their said office, as shall be limited or prescribed by the said respective Governments in that behalf.

1 Geo. 1, c. 52.

7 Geo. 3, c. 42.

Justices may appoint scavengers for cleansing the streets of Calcutta, Madras, and Bombay, and may order their being watched and repaired, and make assessments for those purposes, &c.

CLVIII. And whereas by an Act of the first year of the reign of his late Majesty King George the First, intituled, "An Act for making the Laws for repairing the Highways more effectual," provision was made for authorizing Justices of the Peace in cities and market-towns, at their General or Quarter Sessions, to appoint scavengers for cleansing and repairing the streets of the same, and to raise money by assessments upon the inhabitants for defraying the expenses thereof: And whereas, by an Act passed in the seventh year of the reign of his present Majesty, to amend and reduce into one Act the Statutes for the amendment and preservation of the public highways, it was enacted, that the said recited Act of the first year of King George the First should be repealed: And whereas, it is essentially necessary for the health, as well as for the security, comfort, and convenience of the inhabitants of the towns and factories of Calcutta, Madras, and Bombay, in the East-Indies, that the streets therein should be regularly and effectually cleansed, watched, and repaired: be it therefore enacted, that it shall and may be lawful to and for the Justices of the Peace within or for the Presidencies of Fort William, Fort Saint George, and Bombay respectively, for the time being, or the major part of them, from time to time assembled at their General or Quarter Sessions, to appoint scavengers for cleansing the streets of the said towns or factories of Calcutta, Madras, and Bombay respectively, and to nominate and appoint such persons as they shall think fit in that behalf, and also to order the watching and repairing of the streets therein as they respectively shall judge necessary, and for the purpose of defraying the expenses thereof, from time to time, to make an equal assessment or assessments on the owners or occupiers of houses, buildings, and grounds, in the said towns or factories respectively, according to the true and real annual values thereof, so that the whole of such assessment or assessments shall not exceed, in any one year, the proportion of one-twentieth part of the gross annual values thereof respectively, unless any higher rate of assessment shall, in the judgment of the Governor-general in Council, or Governor in Council, of the said respective Presidencies, become essentially necessary for the cleansing, watching, or repairing thereof, in which case the said Governor-general in Council, or Governor in Council, shall and may, on any such urgent occasion, by Order in Council, authorize a further assessment, not exceeding in any

one year the half part of the amount of the ordinary annual assessment hereinbefore limited, and that it shall be thereupon lawful for the said Justices to make a further assessment, according to the tenor of such order, and not otherwise, or in any other manner; and that all and every such assessment or assessments shall and may, from time to time, be levied and collected by such person or persons, and in such manner, as the said Justices, by their Order in Session, shall direct and appoint in that behalf, and the money thereby raised shall be employed and disposed of according to the orders and directions of the said Justices in Session respectively, for and towards the repairing, watching, and cleansing the said streets, and for no other purpose; and that the said assessments, being allowed under the hands and seals of such Justices, or any two or more of them, shall and may be levied by warrant under their hands and seals, or the hands and seals of any two of them, by distress and sale of the goods and chattels of any person or persons not paying the same within eight days after demand, rendering the overplus (if any be) to the same person or persons, the necessary charges of making, keeping, and selling such distress or distresses, being first deducted.(1)

(1) [*Vide* Acts of Government of India, Nos. 28 of 1836; 1 of 1837; and 32 of 1838, in Appendix.]

No spirituous liquors to be sold in Calcutta, Madras, or Bombay, without a licence.

CLIX. And be it further enacted, that it shall not be lawful for any person or persons to sell any arrack or other spirituous liquors within the towns or factories of Calcutta, Madras, or Bombay respectively, without a licence for that purpose under the hands and seals of two (1) or more of the Justices of the Peace having jurisdiction; and that the powers and authorities vested, by any laws or statutes now in force in that part of Great Britain called England, in any Justices of the Peace for restraining the inordinate sale of spirituous liquors, shall extend to and be put in force against all unlicensed traders in spirits or spirituous liquors within the said towns and factories respectively, by the Justices having jurisdiction therein; and that if any question shall arise touching or concerning the true limits and extent of the said towns and factories, or any of them, the same shall be inquired into by the Governor-general in Council at Fort William, in respect to the limits and extent of Calcutta, and by the Governor in Council of Fort Saint George, in respect to the limits and extent of Madras, and the Governor in Council at Bombay, in respect of the town of Bombay; and that such limits as the said respective Governments, by Order in Council, shall declare and prescribe to be the limits of the said towns and factories respectively, shall be held, deemed, and taken in law as the true limits of the same; any custom or usage to the contrary notwithstanding.

By whom the limits of those places shall be prescribed.

(1) [*Vide* Acts of Government of India, Nos. 1 of 1837, and 32 of 1838, in Appendix.]

Directors hereafter elected to take the following

CLX. And be it further enacted, that every person who shall hereafter be elected a Director of the said Company shall, within ten days next after his election, and before he shall take that office upon him (save only the administering the oath hereinafter mentioned), instead of the oaths now prescribed to be taken by persons elected Directors of the said Company, take the following oath; (that is to say),

Oath.

"I, *A. B.*, do swear, that the sum of two thousand pounds, now standing in my name, "of the stock of the United Company of Merchants of England trading to the East-

" Indies, whereof I am elected to be a Director, doth at this time belong to me i
" own right, and not in trust for any other person or persons whomsoever
" further swear, that in case I shall at any time or times, whilst I shall
" Director of the said Company, have any dealings or business with
" upon my own account, separately, or in conjunction with any ot
" for or in respect of buying for or selling to the said Compan
" goods whatsoever, or in making any other bargain or contra
" with the said Company, then and in every such case, previo
" ation upon such business or businesses, I will declare an
" proceedings of the Court or Committee where the same is
" will withdraw from such Court or Committee during the d
" not return thereto until after such business or businesses sha
" I do further swear, that I am not directly or indirectly interes
" owner or part owner, of or in any ship or vessel which at this tim
" or is expected to be hired or freighted, to or for the use of the said
" during the time I shall continue to be a Director of the said Comp
" come an owner or part owner of any ship or vessel which is or shal
" except such ships or shares of ships as shall come to me by bequest or
" next of kin of any person who shall die intestate, and that in all such case
" with give notice in writing to the Court of Directors of the said Company being
" so interested; and I do hereby promise that I will sell and dispose of my interest in
" such shipping within twelve months next after my interest therein shall accrue, or in
" default thereof shall and will vacate my place and office of a Director of the said Com-
" pany: and further I do swear, that I will not directly or indirectly, accept or take
" any perquisite, emolument, fee, present, or reward, upon any account whatsoever, or any
" promise or engagement for any perquisite, emolument, fee, present, or reward whatso-
" ever, for or in respect of the appointment or nomination of any person or persons to any
" place or office in the gift or appointment of the said Company, or of me as a Director
" thereof, or for or on account of stationing or appointing the voyage or voyages of any
" ship or ships in the said Company's employ, or for or on account of, or any ways re-
" lating to, any other business or affairs of the said Company: and I do further swear,
" that I will be faithful to the said Company, and according to the best of my skill and
" understanding, give my best advice, counsel, and assistance for the support of the good
" government of the said Company, and during my continuance in the said Company
" will not at any time or times ship, lade, send, direct or cause to be sent from England,
" or any other country, to the East-Indies, or other parts within the limits wherein the
" said Company may lawfully trade by virtue of their Charter of incorporation, or bring
" from thence, for my private account, any goods, coins, or other merchandises, contrary
" to an Act of Parliament made in the thirty-third year of the reign of his Majesty King
" George the Third, intituled [*here insert the title of this Act*].(1) And I do further
" faithfully promise and swear, that in the office of a Director of the said Company, I
" will be indifferent and equal to all manner of persons, and will in all things faithfully
" and honestly demean myself according to the best of my skill and understanding.
" So help me GOD."

Which said oath shall be signed by the person or persons taking the same, and shall be administered by any two of the Directors of the said Company, who also shall sign and attest the same; and in case any person so to be elected a Director of the said Company, shall refuse or

...lect to take the said oath within the time aforesaid, his office or place, as a Director of the ...pany, shall become void.

...3 Geo. 3, cap. 155, sec. 76, the year and title of *that* Act ...ed instead of the year and title of the Act by which the ...]

...her enacted, that all suits and prosecutions for any thing done ... Act shall be commenced within the space of three years after the ...ave arisen, or, being done in Great Britain, in the absence of any ...ed thereby, then within the space of three years next after the re- ...Great Britain.

(1) [*Vide A*... it further enacted, that so much and such parts of this Act, in respect ...lar time or times of commencement is or are herein named or appointed, ...cement in Great Britain immediately after this Act shall have received his ...assent; and in the East-Indies, and other parts and limits aforesaid, from the ...bruary, one thousand seven hundred and ninety-four.

---

## 34 GEORGII III. Cap. XLI.

An Act *to empower the East-India Company to continue a Bond Debt of Two Millions, and to increase the same by a further Sum, as Circumstances may require.*

Preamble. 33 Geo. 3, cap. 47, recited.

Whereas by an Act, made in the last session of Parliament, intituled, "An Act for placing the Stock, called East-India Annuities, under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the three pounds per centum reduced Annuities, in redemption of a Debt of four millions two hundred thousand pounds, owing by the Public to the East-India Company; and for enabling the said Company to raise a sum of Money by a further increase of their capital Stock, to be applied in discharge of certain Debts of the said Company;" it was amongst other things enacted, that it should be lawful for the said Company, with the consent of the Commissioners of his Majesty's treasury, or any three of them, or the high treasurer for the time being, at any time or times thereafter, to open books and receive subscriptions for enlarging their then present capital stock or fund of five millions to any sum not exceeding the further sum of one million, so as to make their whole capital stock the sum of six millions; and that the said Company should, out of the monies to arise by the said subscriptions, in the first place, apply so much thereof as should be sufficient for the purpose in reducing their bond debt in Great Britain to the sum of one million five hundred thousand pounds, and after such reduction made, or a sufficient sum set apart and reserved for that purpose, that the said Company should and might apply and dispose of the residue of the monies arising by the said subscriptions in the discharge of such other debts due or coming due from them, as they should think fit: and it was thereby also enacted,

that after the said bond debt should have been so reduced to one million five hun[dred] thousand pounds as aforesaid, it should not be lawful for the said Company again[to] the same beyond that amount, unless with the approbation of the Board of [Commissioners] for the affairs of India, for that purpose in writing first had and obtained, [and] increase to be made to the said bond debt should in no wise exceed the [said] thousand pounds: and whereas the said Company have accordingly r[aised] the manner by the said Act directed, whereby their capital [stock] ha[s] millions, and the said Company have, out of the monies arising [from] bought up, or otherwise discharged bonds to the amount of one thousand five hundred and seventy-five pounds, or thereabouts, a[nd] sum for the purchase or discharge of as many more bonds as will r[educe] millions: and whereas, in the present state of the affairs of the said [Company] their convenience and advantage, that instead of applying any further hath arisen by the said subscription, in or towards a further reduction beyond the sum already set apart as aforesaid, the Company should be p[ermitted] same to the general purposes of their commerce, and to continue on foot t[he] two millions, and it is also expedient that the said Company should be permitt[ed] said bond debt by a further sum not exceeding one million, as circumstance[s] may it therefore please your Majesty that it may be enacted; and be it enacted [by] most excellent Majesty, by and with the advice and consent of the Lords spiritual [and] poral, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the said Company to keep on foot and continue their said bond debt in Great Britain at the aforesaid amount of two millions, and to apply the surplus monies of the said subscriptions remaining, after reducing or setting apart a sufficient sum to reduce the said bond debt to the amount aforesaid, to and for the general purposes of their trade and commerce; and further, that it shall and may be lawful for the said Company, by and with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, at any time or times hereafter, to borrow upon and issue bonds, under their common seal, for any further sum or sums of money, not exceeding in the whole the sum of one million, for the purposes of their trade, as circumstances may require; any thing contained in the said Act, or in any other Act, to the contrary notwithstanding.(1)

Company may continue their bond debt of £2,000,000, and borrow a further sum of £1,000,000.

(1) [By 9 & 10 Wm. 3, cap. 44, sec. 75, the corporations, societies, fellowships, companies, and constitutions established under that Act (from which *The English Company trading to the East-Indies* originated) were not to borrow money except on their common seal, and for the purposes of trade; and no sums thus borrowed were to be repayable at a shorter period than six months. By 6 Anne, cap. 17, sec. 2, *The English Company*, to enable them to lend money to the Crown to carry on the war, were authorized to borrow £1,500,000, in addition to any amount which might previously be lawfully borrowed on their common seal. By 7 Geo. 1, cap. 5, sec. 32, *The United Company* were authorized to borrow to an amount not exceeding at any one time the sum due at such time from the public to the Company, or not exceeding

millions in the whole. The 17 Geo. 2, cap. 17, sec. 8, allowed them an additional million, to enable them to raise and pay a like service of the Crown. The 23 Geo. 2, cap. 22, which bjects was "for empowering the East-India Company ms by transferable Annuities," directs in sec. 6, that all be applied in discharge of the bond debt, rowing given by previous Acts of Parliament is ned. The 13 Geo. 3, cap. 64, sec. 13, prescribed the bond debt to £1,500,000, and it was accord- The 23 Geo. 3, cap. 36, sec. 2, allowed an addition e 23 Geo. 3, cap. 83, sec. 8, and the 24 Geo. 3, cap. 34, plated a reduction to the former amount of £1,500,000; eo. 3, cap. 29, sanctioned an increase of £1,200,000. . 3, cap. 47, sec. 14, again directed the bond debt to be £1,500,000, but sec. 15 provided that, with the approbation of the Board, it might be subsequently increased by a sum not exceeding £500,000. By the 34 Geo. 3, cap. 41, which appears above, it will be seen that the bond debt was allowed to remain at £2,000,000, and might, with the approbation of the Board, be increased to £3,000,000.

Other enactments on the subject followed at various intervals of time, which will be found in their proper places. By 37 Geo. 3, cap. 31, the Company were empowered to enlarge their capital stock by £2,000,000; but, by 47 Geo. 3, sess. 2, cap. 41, instead of thus enlarging their capital stock, they were authorized to increase their bond debt by £2,000,000, provided that thereafter any money raised under the former Act for enlarging their capital stock should be applied in reduction of the bond debt until it was brought down to £3,000,000. No increase of the capital stock of the Company was made, and consequently no reduction on that account took place in the amount of the bond debt. Finally the 51 Geo. 3, cap. 64, sec. 1, enabled the Company to borrow £2,000,000 on bond, in addition to any sums which previously they might lawfully raise by such means. The same Act, (sec. 2), repealed so much of 47 Geo. 3, cap. 41, as directed that the bond debt should be reduced in proportion to the increase of capital stock, but enacted that when under its provisions, together with those

of 37 Geo. 3, cap. 31, and 47 Geo. 3, cap. 41, the sum of £4,000,000 had been raised no further sums should be raised on bond. Thus the whole sum of £4,000,000 being raised by bond no addition could be made to the capital stock. The entire effect of the various enactments respecting the bond debt was to enable the Company, with the approbation of the Board, to borrow £7,000,000 on that species of security.]

---

## 36 GEORGII III. Cap. CXIX.

AN ACT *to enable the United Company of Merchants of England trading to the East-Indies, to purchase certain Houses and Grounds contiguous to the East-India House, and to widen the North End of Lime Street.*

The 15th section of this Act directs that the Company shall widen and pave part of Lime Street. The 16th, which follows, is the only portion of the Act necessary to be retained here.

United Company not liable to pay future repairs thereof.

XVI. Provided always, that nothing herein contained shall extend, or be construed to extend, to charge the said United Company alone with repairing or making good the pavement of Lime Street aforesaid in future; but that, from and after the same shall have been well and effectually paved as aforesaid by the said United Company, the same shall for ever then after be kept in repair by such person or persons, companies or societies, which now are, or hereafter shall be chargeable with the repairs of the public streets in the said parish of Saint Andrew Undershaft.

---

## 37 GEORGII III. Cap. CXVII.

AN ACT *for regulating the Trade to be carried on with the British Possessions in India, by the Ships of Nations in Amity with his Majesty.*

Preamble. 12 Car. 2, c. 18, recited.

Whereas by an Act, passed in the twelfth year of the reign of his late Majesty King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation," it was enacted, that, from and after the first day of December one thousand six hundred and sixty, and from thenceforward, no goods or commodities shall be imported into or exported out of any lands, islands, plantations, or territories, to his Majesty belonging or in his possession, or which may hereafter belong unto or be in the possession of his Majesty, his heirs and successors, in Asia, Africa, and America, in any other ship or ships, vessel or

vessels, than such as do truly and without fraud belong unto the people of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, or are the built of and belonging to any of the said lands, islands, plantations, or territories, as the proprietors and right owners thereof, and whereof the master and three-fourths of the mariners at least are English, under certain penalties and forfeitures therein mentioned: and whereas it is expedient that the ships and vessels of countries and states in amity with his Majesty should be allowed to import goods and commodities unto, and to export the same from the British territories in India, subject to certain restrictions and regulations: be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, and during the continuance of the exclusive trade of the United Company of merchants of England trading to the East-Indies, and during the term for which the possessions of the British territories in India is secured to the said United Company,(1) it shall and may be lawful for the ships and vessels of countries and states in amity with his Majesty, to import into and export from the British possessions in India, such goods and commodities as they shall be permitted to import into and export from the said possessions by the Directors of the said Company, who are hereby directed to frame such regulations for carrying on the trade to and from the said possessions, and the countries and states in amity with his Majesty, as shall seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire; and no ship or vessel belonging to any of the subjects of states or countries in amity with his Majesty shall be liable to seizure, confiscation, or forfeiture, or other penalty, for exporting from or importing into the said British possessions in India, any goods or commodities, the importation or exportation of which respectively shall be permitted by the said regulation; any thing in the said herein-before recited Act, of the twelfth year of the reign of King Charles the Second, to the contrary notwithstanding: provided always, that it shall not be lawful for the Directors of the said United Company to frame any regulations for the conduct of the said trade, which shall be inconsistent with any treaty or treaties which shall have been or may be entered into by his Majesty, his heirs and successors, and any country or state at amity with his Majesty, or which may be inconsistent with any Act or Acts of Parliament which have been passed for the regulation of the trade and commerce of the said British territories in India.

Vessels of countries in amity with his Majesty may import into, and export from, the British possessions in India, goods permitted by the East-India Directors, not contrary treaties or law.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 2, which continues all powers and authorities (not inconsistent with its enactments) granted by any former Act for the term limited by 53 Geo. 3, cap. 155, the last-named Act having granted an extension of the term in progress when the 37 Geo. 3, cap. 117, was passed.]

II. And be it further enacted, that all such regulations as shall be framed by the said Court of Directors, for carrying on the trade to and from the British possessions in India, and the countries and states in amity with his Majesty, shall be and they are hereby directed to be subject to the superintendance, direction, and control of the Board of Commissioners for the affairs of India, in the same manner as all Acts, operations, and concerns, which anywise relate to or concern the civil and military governments and revenues of the British territories and acquisitions in the East-Indies now are.

Regulations framed by the Directors to be subject to the control of the Board of Commissioners.

III. And be it further enacted, that it shall not be lawful for any General Court of Proprietors to alter or change, or to direct, or order, or authorize, the altering or changing, any resolution of the Court of Directors, or to rescind, revoke, suspend, or vary the same, in so far as the same relates to the intercourse of foreign nations in amity with his Majesty and the British territories in India.

Court of Proprietors not to alter any resolution of the Directors relating to intercourse of foreign nations in amity with his Majesty and the British territories in India.

---

## 37 GEORGII III. Cap. CXLII.

AN ACT *for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India.*

Whereas by an Act, passed in the thirteenth year of the reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by letters patent, under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a Chief Justice and three other Justices, being barristers of England or Ireland, of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors: and whereas by the said Act, and by divers other Acts of Parliament, certain jurisdictions, powers, and authorities, were given to the said Court to be exercised in the manner therein directed: and whereas it may be expedient that the number of Judges should be reduced; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that immediately after the death, resignation, or removal of any of the Puisne Judges of the said Supreme Court, that the office of one of the said Puisne Judges shall be and the same is hereby suppressed; and from and immediately after such death, resignation, or removal, the said Supreme Court shall consist of a Chief Justice, and two other Judges only; and all powers, jurisdictions, and authorities whatsoever, shall, from and after such period as aforesaid, be enjoyed and exercised by the said Chief Justice and other Judges, in as full and ample a manner as the same might have been held, enjoyed, and exercised, by the said Supreme Court under the authority of the said hereinbefore recited Act, or any other Act or Acts of Parliament, or under the Charter of Justice, granted by his Majesty under the authority of the same.

Preamble.

13 Geo. 3, cap. 63.

On the death, &c. of any of the Puisne Judges of the Supreme Court of Judicature in Bengal, it shall consist of a Chief Justice and two other Judges.

II. And whereas his Majesty has by law no power to direct the application of any part of the revenues of the territorial acquisitions in India, as a provision for a Chief Justice, or other Judge, of the said Supreme Court, who, from infirmity, or other causes approved of by his Majesty, may return to Europe: and whereas it is expedient that such power, to a limited extent, be vested in his Majesty, his heirs and successors; be it therefore enacted, by the authority aforesaid, that from and after the death, resignation, or removal, of one of the Judges of the said Supreme Court, and the suppression of the said office in the manner hereinbefore directed, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, to authorize and direct the payment of a competent

His Majesty may direct the payment of a yearly sum out of the territorial revenues to any Chief Justice, or other Judge, returning to Europe.

yearly sum out of the revenues arising from the territorial acquisitions in India, to be applied for the use and behoof of any Chief Justice or other Judge, who, from age, infirmity, or other cause, to be approved of by his Majesty, his heirs and successors, shall return to Europe.(1)

(1) [The required term of residence, and the amount of revenue, were variously determined by 39 & 40 Geo. 3, cap. 79, 55 Geo. 3, cap. 84, and 4 Geo. 4, cap. 71. For the present law on those points see 6 Geo. 4, cap. 85, sec. 7, 8, 10, 12.]

The Supreme Court, where the matter in dispute does not exceed 1,000 pagodas, may direct depositions to be filed of record, or not.

IV. And whereas, by the Charter of Justice granted by his Majesty, under the authority of the herein-before recited Act, passed in the thirteenth year of his present Majesty's reign, the said Supreme Court of Judicature was directed and required to reduce, or cause to be reduced, to writing, the depositions of witnesses in civil causes, and was directed to require the same to be subscribed by such witnesses, with their name or other mark, and to file the same of record: and whereas by the said Charter of Justice, it was also directed that no appeal should be allowed from the said Supreme Court of Judicature, unless the value of the matters in dispute exceed the sum of one thousand pagodas: (1) and whereas the requiring the depositions of witnesses to be reduced into writing, and filed of record, is productive of much expense and delay in small causes, where the value of the matter in dispute does not exceed one thousand pagodas, and which, for that reason, cannot be made the subject of appeal; (1) be it therefore enacted, that, from and after the passing of this Act, it shall be in the discretion of the said Supreme Court, in all cases when the value of the matter in dispute does not exceed one thousand pagodas, either to direct the deposition of witnesses to be reduced into writing, and filed of record, or not, as the said Court shall think fit, in the particular case; any thing in the said Charter of Justice contained to the contrary notwithstanding.

(1) [Under section 24 of 3 & 4 Wm. 4, cap. 41, which empowers his Majesty in Council to make regulations as to the amount or value of the property in respect to which any appeal may be made, an order was passed on the 10th April 1838, fixing 10,000 Company's rupees as the *minimum* for which an appeal from any Court in India may be preferred as matter of right.]

Regulations of the Governor-general in Council, which affect the natives or others amenable to the Courts of Justice to be printed, with translations, in the country languages;

VIII. And whereas certain regulations for the better administration of justice among the native inhabitants and others, being within the provinces of Bengal, Bahar, and Orissa, have been from time to time framed by the Governor-general in Council in Bengal; and among other regulations it has been established and declared as essential to the future prosperity of the British territories in Bengal, that all regulations passed by Government, affecting the rights, properties, or persons of the subjects, should be formed into a regular code, and printed, with translations, in the country languages, and that the grounds of every regulation be prefixed to it; and that the Courts of Justice within the provinces be bound to regulate their decisions by the rules and ordinances which such regulations may contain, whereby the native inhabitants may be made acquainted with the privileges and immunities granted to them by the British Government, and the mode of obtaining speedy redress for any infringement of the same: and whereas it is essential that so wise and salutary a provision should be strictly observed, and that it should not be in the power of the Governor-general in Council

to neglect or to dispense with the same; be it therefore enacted, that all regulations which shall be issued and framed by the Governor-general in Council at Fort William in Bengal, affecting the rights, persons, or property of the natives, or of any other individuals who may be amenable to the Provincial Courts of Justice, shall be registered in the judicial department, and formed into a regular code, and printed, with translations, in the country languages, and that the grounds of each regulation shall be prefixed to it; and all the Provincial Courts of Judicature shall be, and they are hereby directed to be bound by and to regulate their decisions by such rules and ordinances as shall be contained in the said regulations; and the said Governor-general in Council shall annually transmit to the Court of Directors of the East-India Company ten copies of such regulations as may be passed in each year, and the same number to the Board of Commissioners for the affairs of India.

Provincial Courts of Judicature to be bound by such regulations; copies to be transmitted to Court and Board.

The 9th section declares that it shall be lawful for his Majesty to erect Courts of Judicature at Madras and Bombay, having a Recorder, &c. By the 39th and 40th Geo. 3, c. 89, his Majesty is empowered to erect a Supreme Court of Judicature at Madras; and all powers and authorities granted by this Act to the Recorder's Court are to be transferred to the Supreme Court. By the 4th Geo. 4, c. 71, a similar Court is to be erected at Bombay, and similar provision is made for the transfer of the powers and authorities of the Recorder's Court there.

These powers and authorities, and their limitations, will be found in several of the following sections.

X. Provided nevertheless, and be it further enacted, that the said new Charter, which his Majesty is hereby empowered to grant, and the jurisdiction, powers, and authorities, to be thereby established, shall extend to all British subjects who shall reside within any of the factories subject to or dependant upon the governments of Madras and Bombay respectively; and the said Charter shall be competent and effectual, and the said Courts therein and thereby established shall have full power and authority, according to their respective jurisdictions, to hear and determine all and all manner of complaints against any of his Majesty's subjects, for any crimes, misdemeanors, and oppressions, committed or to be committed, and also to hear and determine all suits and actions whatsoever against any of his Majesty's subjects arising in territories subject to or dependant upon the said governments of Madras and Bombay respectively, or within any of the territories which now are or hereafter may be subject to or dependant upon the said governments, or within any of the dominions of the native Princes of India in alliance with the said governments respectively, or against any person who at the time when such debt or cause of action shall have arisen, have been employed by, or shall have been directly or indirectly in the service of the United Company, or any of his Majesty's subjects: provided always, that the said Court shall not be competent to hear, try, and determine any indictment or information against the Governor or any of the Council, not being treason or felony, which the Governor or any of the Council at Madras or Bombay respectively shall or may be charged with having committed within the jurisdiction of the said Courts respectively.

Extent of jurisdiction.

Court not competent to try informations against the Governor or Council, except for treason or felony.

XI. And be it further enacted, that the said Courts, so to be erected as aforesaid, shall have full power and authority to hear, try, and determine all and all manner of suits and

Courts may try all suits which, by authority of Parliament

might be tried by the Mayor's Courts, or Courts of Oyer and Terminer.

actions, either civil or criminal, which by the authority of any Act or Acts of Parliament may now be heard, tried, or determined by the Mayor's Court at Madras or Bombay respectively, or by the Courts of Oyer and Terminer or goal delivery there; and all powers, authorities, and jurisdictions, of what kind or nature soever, which by any Act or Acts of Parliament may be or are directed to be exercised by the said Mayor's Courts, or the said Courts of Oyer and Terminer and goal delivery, shall and may be as fully and effectually exercised by the said Courts, to be erected in the manner aforesaid, as the same might have been exercised and enjoyed by the said Mayor's Courts or Courts of Oyer and Terminer and goal delivery respectively: provided always, that nothing in this Act shall extend to subject the person of the Governor, or any of the Council at the respective settlements, or the person of the Recorder of the said Court, to be arrested or imprisoned in any suit, action, or proceeding in the said Court; nor shall it be competent for the said Courts, within their respective jurisdictions, to hear or determine, or to entertain and exercise jurisdiction in any suit or action against the Governor, or any of the Council at the said settlements of Madras and Bombay respectively, for or on account of any act or order, or any other act, matter, or thing whatsoever, councilled, ordered, or done by them in their public capacity, or acting as Governor and Council; nor shall the said Court have or exercise any jurisdiction in any matter concerning the revenue under the management of the said Governor and Council respectively, either within or beyond the limits of the said towns, forts, or factories, or concerning any act done according to the usage and practice of the country, and the regulations of the Governor and Council; and no person shall be subject to the jurisdiction of any of the said Courts for or by reason of being a landowner, landholder, or farmer of land or of land-rent, or for receiving a pension or payment in lieu of any title to or ancient possession of land or land-rent, or for receiving any compensation or share of profits for collecting rents payable to the public out of such lands or districts as are actually farmed by himself, or those who are his under-tenants by virtue of the farm, or for exercising within the said lands or farms any ordinary or local authority commonly annexed to the possession or farm thereof, or for or by reason of his becoming security for the payment of the rents reserved, or otherwise payable out of any lands or farms, or farms of lands, within the dominion subject to the Governments of Madras and Bombay respectively; and no person for or by reason of his being employed by the said Company, or the Governor and Council, or by any person deriving authority under them, for or on account of his being employed by a native, or the descendant of a native, of Great Britain, shall become subject to the jurisdiction of the said Courts respectively, in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party or parties, except in actions for wrongs or trespasses only.

The Governor, Council, and Recorder of the Court, not subject to arrest.

Jurisdiction of the Courts not to extend to Governor or Councillors for acts in public capacity, nor to revenue matters.

No person to become subject to jurisdiction of Court by being a landholder or farmer, nor by reason of being employed by Company or native of Great Britain, except in certain cases.

Rights of fathers and masters of families to be preserved.

XII. And, in order that due regard may be had to the civil and religious usages of the natives; be it enacted, that the rights and authorities of fathers of families, and masters of families, according as the same may be exercised by the Gentoo or Mahomedan law, shall be preserved to them within their families respectively, nor shall the same be violated or interrupted by any of the proceedings of the said Courts; nor shall any act done in consequence of the rule or law of caste, so far as respects the members of the same family only, be deemed a crime, although the same may not be justifiable by the laws of England.

Courts may determine suits against the inhabitants according to the Charter, but their inheritance of lands, &c. to be deter-

XIII. And be it further enacted, that the said Courts so to be erected as aforesaid, shall have full power to hear and determine all suits and actions that may be brought against the inhabitants of Madras and Bombay respectively, in the manner that shall be provided by the said Charter; yet, nevertheless, their inheritance and succession to lands, rents, and goods,

and all matters of contract and dealing between party and party, shall be determined, in the case of Mahomedans, by the laws and usages of the Mahomedans, and where the parties are Gentoos, by the laws and usages of the Gentoos, or by such laws and usages as the same would have been determined by if the suit had been brought, and the action commenced, in a native Court: and where one of the parties shall be a Mahomedan or Gentoo, by the laws and usages of the defendant; and in all suits so to be determined by the laws and usages of the natives, the said Court shall make such rules and orders for the conduct of the same, and frame such process for the execution of their judgments, sentences, or decrees, as shall be most consonant to the religions and manners of the said natives, and to the said laws and usages respectively, and the easy attainment of the ends of justice; and such means shall be adopted for compelling the appearance of witnesses, and taking their examination, as shall be consistent with the said laws and usages, so that the said suits shall be conducted with as much ease, and at as little expense, as is consistent with the attainment of substantial justice.

mined as would have been done in a native Court; and where one party is a Mahomedan or Gentoo, by the usages of the defendant, &c.

XIV. And be it further enacted, that no action for wrong or injury shall be brought against any person whatever exercising a judicial office in any country Court, for any judgment, decree, or order of the said Court, or against any person for any act done by or in virtue of the order of the said Court; and in case any information is intended to be brought against any such person or officer, the same shall be brought and proceeded in, in the same manner, and to all intents and purposes in the same form, and to the same effect, as such informations are directed to be proceeded in before the Supreme Court of Judicature at Calcutta in Bengal, by an Act, passed in the twenty-first year of his Majesty's reign,(1) intituled, "An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled, 'An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe,' as relates to the Administration of Justice in Bengal; and for the Relief of certain Persons imprisoned at Calcutta in Bengal under a Judgment of the Supreme Court of Judicature, and also for indemnifying the Governor-general and Council of Bengal, and all Officers who have acted under their Orders or Authority, in the undue Resistance made to the Process of the Supreme Court."

No action for wrong to be brought against a judicial officer for any order of Court, nor for any act done by virtue of any such order; but if any information is intended, it must be brought according to 21 Geo. 3, c. 70.

(1) [Sec. 25 and 26.]

XV. And be it further enacted, that a registry of the natives employed in the service of the said Company, or in the service of British subjects, or their partners, shall be established within the settlements of Madras and Bombay respectively, in the same manner, to the same effect, to the like extent, and for the like purpose, and subject to the like penalties, as such register is established at Calcutta, by the said Act passed in the twenty-first year of his present Majesty's reign.(1)

A registry of natives employed by the Company or British subjects to be established as at Calcutta.

(1) [Sec. 11 to 16.]

XVI. And be it further enacted, that it shall and may be directed, in and by the said new Charter which his Majesty is herein empowered to grant, that in case any person or persons whatever shall think him, her, or themselves aggrieved, by any judgment or determination of either of the said Courts of Judicature, to be established as aforesaid, he, she, or they may appeal from such judgment or determination to his Majesty in Council, within such time and

His Majesty to direct in the Charter that persons may appeal from the Courts to his Majesty in Council.

in such manner, and in such cases, as his Majesty in his said Charter shall judge proper and reasonable to be appointed and prescribed.

Records of the Mayor's Courts, or the Courts of Oyer and Terminer, to be deposited in the new Courts.

XVII. And be it further enacted, that if his Majesty shall grant such Charter as aforesaid, and erect such Courts of Judicature at Madras and Bombay, all the records and muniments and proceedings whatsoever, of and belonging to the said Mayor's Courts at Madras and Bombay respectively, or to the Courts of Oyer and Terminer and Gaol Delivery, there established by the aforesaid Charter of his late Majesty, shall, from and immediately after such Courts of Judicature as his Majesty is herein empowered to erect shall be established, be delivered over, preserved, and deposited, for safe custody in the said new Courts of Judicature respectively; to which all parties concerned shall and may have resort and recourse, upon application to the said Court.

Jurisdiction of the Mayor's Courts, and of the Presidents and Councils, as Courts of Appeal, to cease on publication of new Charter.

XVIII. And be it further enacted, that so much of the Charter granted by his late Majesty, as confers any civil, criminal, or ecclesiastical jurisdiction upon the Mayor's Courts of Madras and Bombay respectively, or upon the President and Council as a Court of Appeal from the said Courts, or of Oyer and Terminer and Gaol Delivery, at the said settlements, or the subordinates thereto belonging, in case a new Charter shall be granted by his Majesty, and shall be openly published at Madras and Bombay respectively, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes; and all judicial powers and authorities granted by any Act or Acts of Parliament to the said Mayor's or Courts of Appeal at the said settlements, shall cease and determine, and be no longer exercised by the said Courts; but the same shall and may be exercised by the Courts of Judicature to be erected by virtue of this Act, in the manner, and to the extent hereinbefore directed; but nevertheless the said Charter shall, in all other respects, continue in full force and effect, to all intents and purposes, according to the true intent and meaning thereof, except in so far as it is altered or varied by this Act, as fully and effectually as if this Act had not been made, or such new Charter should not have been granted.

All new forms of process to be transmitted to the Board for India affairs.

XXVII. And be it further enacted, that all new forms of process, or rules and orders for the execution thereof, shall be transmitted to the President of the Board of Commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction, or refusal; and such process shall be used, and such rules shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

From Dec. 1, 1797, no British subject to lend any money, or be concerned in raising any for native Princes, without consent of the Court of Directors, or the Governor in Council; and any person doing so may be prosecuted for a misdemeanor.

XXVIII. And whereas the practice of British subjects lending money, or being concerned in the lending of the same, or in transactions for the borrowing money for, or lending money to, the native Princes in India, has been productive of much mischief, and is the source of much usury and extortion: and whereas the wholesome orders of the Court of Directors of the United Company of Merchants trading to India have not been sufficient to restrain and repress the same: and whereas it is highly desirable that such practices should be prevented in future; be it therefore enacted, that, from and after the first day of December next, no British subject shall, by himself, or by any other person directly or indirectly employed by him, lend any money or other valuable thing to any native Prince in India, by whatever name or description such native Prince shall be called; nor shall any British subject, either by himself, or by any other person directly or indirectly employed by him, be concerned in the lending any money to any such native Prince; nor shall any British subject be concerned, either by himself or by any other person, either directly or indirectly, in raising or procuring any

money for any such native Prince, or as being security for such loan or money; nor shall any British subject lend any money or other valuable thing to any other person for the purpose of being lent to any such native Prince, nor shall any British subject, by himself or by any other person, either directly or indirectly, for his use and benefit, take, receive, hold, enjoy, or be concerned in any bond, note, or other security or assignment, granted or to be granted by any such native Prince, after the first day of December next, for the loan, or for the repayment, of money, or other valuable thing, without the consent and approbation of the Court of Directors of the East-India Company, or the consent and approbation of the Governor in Council of one of the said Company's governments in India, first had and obtained in writing; and every person doing, acting, or transacting, or being concerned in any actings, doings, and transactions, contrary to this Act, shall be deemed and taken to be guilty of a misdemeanor at law, and shall and may be proceeded against and punished as such, by virtue of this Act, before any Court of competent jurisdiction; and all bonds, notes, assignments, or securities for money, of what kind or nature soever, taken, held, or enjoyed, either directly or indirectly, for the use and benefit of any British subject, contrary to the true intent and meaning of this Act shall be, and the same are hereby declared to be null and void to all intents and purposes.

Security for money lent contrary hereto, to be void.

XXIX. And be it further enacted, that when and so often as any information shall be given, or complaint made, to any of the Governments of the said United Company in the East-Indies, of any person having acted contrary to the provisions of this Act, such Governments shall forthwith lay the case before the Company's law officers at the settlement where it arises, who shall take the same into their consideration, and report their opinion thereupon, whether the same is a proper case for prosecution (together with their reasons for the same), which Report shall be transmitted home to the Court of Directors by the first convenient opportunity.

On complaint to the Governments in India for acting contrary to this Act, the case to be laid before the law officers, whose report shall be transmitted to the Court of Directors.

XXX. And whereas the provision made by the Charter of Justice of his late Majesty, for the establishment of a Court of Requests in and for the towns of Madraspatnam, Bombay, and Calcutta, for the recovery of debts, duties, and demands therein, not exceeding the value of five pagodas, in manner therein directed, hath been found beneficial and convenient: and whereas an extension of jurisdiction of the said Courts for the recovery of debts, duties, and demands, to a larger amount in value is found to be useful; be it therefore enacted by the authority aforesaid, that the jurisdiction of the said Courts of Requests at and for the said towns of Madraspatnam, Bombay, and Calcutta, respectively, shall be and the same is extended to the recovery of all or any manner of debts, duties, and demands, not exceeding in value the sum of eighty current rupees respectively; and for that purpose that the Commissioners of the said Courts of Requests, and their successors, shall have full power and authority to hear and determine all actions, plaints, and suits, which have grown, or shall be brought before them, in their said respective Courts where the debt, duty, or matter in dispute, shall not exceed the said value of eighty current rupees, and to award execution thereupon for the debt or sum adjudged to be due, in the same manner as they now do for debts and demands under the sum of five pagodas.

Jurisdictions of the Courts of Requests at Madras, Bombay, and Calcutta, extended to eighty rupees.

## 39 GEORGII III. Cap. CIX.

### An Act *for better Recruiting the Forces of the East-India Company.*

[12*th July* 1799.]

Preamble.

Whereas the United Company of Merchants of England trading to the East-Indies are by law entitled to maintain and keep up, and at their own costs and charges do maintain and keep up, a military force in their settlements abroad, for the defence and protection of the territorial acquisitions and revenues of which they are in possession, and for the defence and protection of their trade; and by an Act of Parliament made in the twenty-first year of the reign of his present Majesty, intituled, "An Act for establishing an Agreement with the United Company of Merchants of England trading to the East-Indies, for the Payment of the Sum of Four hundred thousand Pounds, for the Use of the Public, in full Discharge and Satisfaction of all Claims and Demands of the Public, from the time the Bond Debt of the said Company was reduced to one million five hundred thousand Pounds, until the First Day of March one thousand seven hundred and eighty-one, in respect of the Territorial Acquisitions and Revenues lately obtained in the East-Indies; and also for securing to the Public in respect thereof, for a Term therein mentioned, a certain Part or Proportion of the clear Revenues and Profits of the said Company; and for granting to the said Company, for a further Term, the sole and exclusive Trade to and from the East-Indies, and Limits therein mentioned; and for establishing certain Regulations for the better Management of the Affairs of the said Company, as well in India as in Europe, and the recruiting the Military Forces of the said Company;" certain regulations are established for the said Company's raising recruits in Great Britain, but no provision is made, by virtue of which such recruits can be trained, arrayed, exercised, or disciplined, during their abode in this kingdom, or whereby they can be subjected to military law previous to their embarkation for, and during their passage to the places where the said United Company are entitled to maintain and keep such militia force: and whereas it is expedient that his Majesty's officers should be authorized in certain cases to enlist recruits for service, either in his Majesty's troops or in the forces of the said United Company, as his Majesty shall think fit to direct; and that all recruits so raised and transferred over to, or enlisted by officers in the service of the said United Company, should be trained, arrayed, exercised, and disciplined in the use of arms, previous to their departure for places abroad; and that they should be subjected to military law daring their abode in this kingdom, and during their passage to, and before their arrival at such places: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men as from time to time his Majesty shall think fit, for the special purpose of serving in the East-Indies, either in his Majesty's troops, or in the forces of the said United Company;(1) and that the recruits to be raised for such special purpose, instead of taking the oath of fidelity appointed to be taken by the rules and articles for the better government of all his Majesty's forces, shall take the following oath;(1) (that is to say),

21 Geo. 3, c. 65.

His Majesty may order officers to levy men to serve in the East-Indies in his Majesty's troops or the Company's forces, who shall take the following

Oath:

"I, *A. B.*, being enlisted to serve either in his Majesty's troops or in the forces of the "East-India Company, according as his Majesty shall think fit, do swear, that I will

" bear true allegiance to our Sovereign Lord King George, and that I will, as in my " duty bound, defend him in his person, crown, and dignity, against all his enemies; " and that so long as I shall remain in his Majesty's service, I will duly observe and " obey his Majesty's orders, and the orders of the generals and officers set over me by " his Majesty; and that if his Majesty shall please to appoint me to serve in the forces " of the United Company of Merchants of England trading to the East-Indies, then I " swear that I will also be true to the said United Company, and will duly observe and " obey all their orders, and the orders of their generals and officers, who shall be law- " fully set over me."

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 1.]

which Justices are to administer instead of the oath prescribed by the Articles of War.

II. And be it further enacted, that on such recruits being carried before a Justice of the Peace, in pursuance of an Act, passed in the present Session of Parliament, intituled, " An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters," or in pursuance of any Act hereafter to be passed for the same purposes, such Justice shall tender and administer such oath as is hereinbefore mentioned, instead of the oath prescribed by the said Articles of War; and the same (if taken by such recruits) shall be so expressed in the certificate to be given by such Justice, in the form required by the said Act.(1)

(1) *Vide* note on section 1.]

His Majesty, on petition of the Court of Directors, may cause recruits to be transferred to the service of the Company.

III. And be it further enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, upon the petition of the Court of Directors of the said United Company, to cause so many recruits or soldiers, who shall have been raised by his Majesty's officers for the special purpose hereinbefore mentioned, as the said Court of Directors shall petition for, and as his Majesty, his heirs or successors, shall see fit to grant, to be transferred over to the service of the said United Company, which transfer shall be made by such recruits or soldiers being delivered over by such officer in his Majesty's service, who shall have the command of them, at such place as his Majesty shall think proper to appoint, to such person or persons as the said Court of Directors shall appoint to receive them.

Company not obliged to receive invalids.

IV. Provided always, and be it enacted, that the said United Company shall not be obliged to receive into their service any recruit or soldier who shall be an invalid, or who shall have any bodily infirmity.

Company to pay such sum as shall be agreed upon for such recruits, and their subsistence, from enlistment.

V. And be it further enacted, that the said United Company shall pay unto such person or persons, for the use of his Majesty, as shall be appointed for that purpose in writing by the Commissioners of his Majesty's Treasury, or any three or more of them, or by the Lord High Treasurer for the time being, such sum and sums of money as from time to time shall be agreed upon between one of his Majesty's principal Secretaries of State on behalf of his Majesty, and the said Court of Directors, to reimburse the expense of raising such recruits and soldiers as shall be transferred into the service of the said United Company in manner hereinbefore mentioned; and that, over and above such sum, the said United Company shall in like manner pay to such person or persons as aforesaid, the costs of the subsistence of each recruit, from the time of his enlistment to the time of his being delivered over to the said United Company, as hereinbefore mentioned.

Company may train men enlisted under recited Act, and transferred under this, in Great Britain, Guernsey, or Jersey, and may make drafts to be sent abroad.

VI. And be it further enacted, that the said United Company shall and may deposit, keep, maintain, pay, train, and exercise in the use of arms, such men as they may from time to time enlist and engage in their service, under and by virtue of the authority of the said Act of the twenty-first year of his Majesty's reign, and such men as shall be transferred over to their service in manner herein-mentioned, in any of his Majesty's garrisons, or at such other place or places within Great Britain, or the Islands of Guernsey or Jersey, as shall be approved of by his Majesty; and that the said United Company, or their Court of Directors, may, from the men so enlisted or transferred as aforesaid, make drafts of non-commissioned officers and soldiers, to be from time to time sent abroad in the said United Company's service, as they shall think proper and necessary.

Court of Directors, with the approbation of his Majesty, may appoint officers holding commissions from his Majesty and the Company, for disciplining the men, out of whom they may appoint serjeants, &c.

VII. And be it further enacted, that for the purpose of raising, receiving, keeping, training, and exercising the men so enlisted by license from his Majesty as aforesaid, it shall and may be lawful for the Court of Directors of the said United Company, with the approbation of his Majesty, signified under the hand-writing of one of his Majesties principal Secretaries of State, to appoint, from and amongst such officers in the service of the said United Company, as may be in England, on furlough or by leave of absence, from their duty in India, or who have retired from the service of the said Company, and shall hold and have commissions from his Majesty as well as from the said United Company, one commanding officer, and such other commissioned officers, of such ranks and with such commissions as shall be necessary for the training, exercising, and disciplining such men so enlisted or transferred as aforesaid, until they shall be sent abroad; and that it shall also be lawful for the said Court of Directors to appoint, from the number of men so enlisted or transferred as aforesaid such number of serjeants, corporals, drummers, and fifers, as shall be necessary for the same purpose.

Company not to enlist above a certain number of men, nor appoint more than the necessary number of commissioned officers.

Officers not to have any power longer than they hold commissions from his Majesty.

No more than a certain number of men enlisted, and not transferred, shall be maintained within the realm.

VIII. Provided always, and be it enacted, that it shall not be lawful for the said United Company to enlist or have in pay at any one time, or to train or discipline at any one time, by virtue of this Act, any greater number of non-commissioned officers and private men than two thousand, nor shall it be lawful for the Court of Directors of the said Company to appoint any greater number of commissioned officers than the number of men to be so raised and disciplined shall require; nor shall the officer so appointed to command, or any other commissioned officer to be appointed as aforesaid, be continued in the said appointment, or have any power or authority to command, train, or discipline the said men so enlisted, longer than he shall continue to hold a commission from his Majesty, his heirs or successors; and his or their said appointment, powers, authorities, and commands, shall cease and determine, and become utterly void, from and immediately after the said commission shall be revoked, determined, or otherwise made void by his Majesty, his heirs or successors: provided also, that from and after the passing of this Act, and until the twenty-fifth day of March one thousand eight hundred, no greater number than three thousand of men enlisted for the special purpose aforesaid, and not transferred by his Majesty to the service of the said Company, shall, at at any one time, be maintained by his Majesty within this realm; and that, from and after the said day, no greater number of such men shall be so maintained than shall be specially included within the provision of such Act or Acts of Parliament as may, from time to time, be made and be in force for the punishment of mutiny and desertion, or for the discipline and government of his Majesty's forces in Great Britain.

Company, with the approbation of his Majesty, may appoint quarter-masters, &c.

IX. Provided also, and be it further enacted, that it shall and may be lawful for the said Company, with his Majesty's approbation so signified as aforesaid, to appoint such quarter-masters, pay-masters, and other persons, as may be necessary for disciplining and training, attending, and otherwise taking care of, the said men so enlisted and transferred, over and above the number of commissioned officers herein-before mentioned, whether the said persons shall be in their service or not.

Rates of pay to be allowed to the commissioned, non-commissioned, and staff officers.

X. Provided also, and be it further enacted, that it shall not be lawful for the said United Company to pay or allow any greater pay, or other sums, to the commissioned and non-commissioned and staff officers to be appointed to raise, receive, train, exercise, and discipline, the said men, than after the rates following; that is to say, not more than ten shillings per day to each captain, not more than five shillings per day to each subaltern officer, over and above the pay, according to their rank, which they shall be entitled to during their being in this country on furlough or leave of absence, or retired from their service; nor more than five shillings per day to each quarter-master, one hundred and twenty pounds per annum to each paymaster, two shillings per day to each serjeant, one shilling and sixpence per day to each corporal, five shillings per day to each surgeon, and one hundred pounds per annum to one chaplain; such last mentioned sums to be the full allowance to which in any case such officers shall be entitled (save and except the regimental pay which such officers may be entitled to, according to their respective ranks, and save and except such barrack allowances as are usually to be given to officers in his Majesty's service when quartered in barracks).

Pay to be in full of all emoluments; and clothing, &c. to be provided as the Directors shall think best.

XI. And be it further enacted, that the said pay, so to be made to the said officers respectively as aforesaid, shall be in full satisfaction of all emoluments whatsoever; and that the clothing for the said men, and all other things whatsoever, necessary to be provided for them, or for the place in which they shall be deposited and kept, shall be provided by the said United Company, upon the best terms, and in such manner as shall appear to the Court of Directors of the said Company to be best suited to that purpose.

Officers and men to be subject to the commandants of garrisons or barracks, and to partake in the duties.

XII. And be it further enacted, that in case the said men, so to be enlisted into, or transferred over to the service of the said United Company, shall be deposited and kept at any of his Majesty's garrisons or barracks, all such recruits and soldiers, and the commissioned and non-commissioned officers having the command of, or being employed in the training, exercising, and arraying such recruits or soldiers, shall at all times be subject to the command and orders of the commandant of such garrison or barracks, or in his absence to the senior officer in his Majesty's service, or the officer for the time being commanding in such garrison or barracks; and that the commissioned and non-commissioned officers, to be appointed by the said United Company to the command of, or for the training, exercising, or arraying such recruits as aforesaid, shall at all times partake in and perform the duties of any of his Majesty's garrisons or barracks in which they may be stationed.

Orders of the Company to be given through such commandants.

XIII. And be it further enacted, that all orders which shall be given by the said United Company, or their Court of Directors, to their officers so stationed at any of his Majesty's garrisons or barracks, shall be given and passed through the commandant or senior officer commanding at such garrisons or barracks.

Deserters may be apprehended and confined as from his Majesty's service.

XIV. And be it further enacted, that if any person who shall be enlisted and engaged by the said United Company, under the authority of the said Act of the twenty-first year of

his Majesty's reign, or who shall be transferred over to the service of the said United Company as herein-mentioned, shall afterwards desert, or be found wandering, or otherwise illegally absenting himself from the service of the said United Company, it shall and may be lawful for any constable, headborough, or tythingman of the town or place where any such person who may be reasonably suspected to be a deserter, shall be found, to apprehend or cause him to be apprehended in the same manner as if he were a deserter from his Majesty's service; and every constable, headborough, tythingman, justice of the peace, or magistrate, shall have the same power and authority, and proceed in the same manner as he or they would have had, or as he or they would have proceeded in, if the person had been a deserter from his Majesty's service; and every keeper of any gaol, house of correction or prison, to which such person shall be committed, shall be entitled to receive the full subsistence of such deserter, during the time he shall remain in their custody, for the maintenance of such deserter, and shall receive and confine him or them in the same manner as if he or they had been a deserter from his Majesty's service.

Persons apprehending deserters to be entitled to such reward only as the Company may give.

XV. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to authorize any justice to pay or cause to be paid any reward to any person or persons, who shall apprehend or cause to be apprehended any person or persons who shall desert from the service of the East-India Company, nor shall the person or persons apprehending the same be entitled to any other reward than the East-India Company may voluntarily give for such apprehension.

Officers and soldiers, until embarkation, to be subject to the Mutiny Laws, and afterward to the provisions of 27 Geo 2, c 9.

XVI. And be it further enacted, that all such officers and soldiers as shall be raised and enlisted by virtue of this Act shall, at all times, and until their embarkation, be subject to all the provisions and regulations of the said Act, made in the present session of Parliament, intituled "An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters," during the continuance of the same Act in Great Britain, and after the expiration thereof to such other Act or Acts of Parliament, provisions, and regulations, as shall from time to time be made and be in force for the discipline and government of his Majesty's forces in Great Britain; and that, from and after their embarkation to go abroad to such places whereto they shall be sent in the service of the said United Company, all such officers and soldiers shall be, and hereby are adjudged to be in the actual service of the East-India Company within the meaning of an Act, passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled, "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East-Indies, and for the Punishment of Offences committed in the East-Indies or at the island of Saint Helena;" and shall, during their passage, and during their continuance abroad in the service of the said United Company, be subject to all the provisions and regulations of the said Act, and to all such provisions and regulations as officers and soldiers in the pay of the said United Company shall from time to time be subject to at the settlement or place to which such officers and soldiers shall be sent.(1)

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 2, and 4 Geo. 4, cap. 81, sec. 47.]

His Majesty may grant commissions for holding general courts martial.

XVIII. And whereas for more effectually suppressing mutiny and desertion, and for the punishment of other offences committed by officers and soldiers in the service of the said United Company, during the time of their being trained and disciplined by virtue of this

Act, or by any of the officers or non-commissioned officers employed on that service, it may be necessary that his Majesty should be enabled to convene courts martial, or to authorize the same to be convened, consisting either in the whole or in part of officers in the service of the East-India Company who hold commissions from his Majesty: be it enacted, that it shall and may be lawful for his Majesty from time to time to grant a commission for the holding of general courts-martial for the trial of offences committed by officers or soldiers in the service of the said United Company, during the time of their being so employed, and trained and exercised under the authority of this Act, which courts martial may either consist of officers appointed to train and discipline the said men, or of such other officers in the service of the East-India Company, holding commissions from his Majesty, as may be in Great Britain upon furlough, or by leave of absence, or of officers in his Majesty's service in Great Britain, or of such numbers and proportions of each, as to his Majesty shall seem meet; and such courts martial shall in all other respects be convened, and have the same powers and authorities, and their sentences shall be carried into execution, as if they were courts martial respecting his Majesty's forces.(1)

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 7.]

Regimental courts martial may be convened.

XIX. And be it further enacted, that regimental courts martial, or courts martial to be composed of officers of different corps, with the same powers as regimental courts martial, may be convened for inquiring into such disputes or criminal matters as may come before them, touching any of the non-commissioned officers or soldiers in the service of the said United Company during the time of their being so employed and trained and exercised as aforesaid, and for awarding corporal or other punishments for small offences; and such courts martial shall be constituted and proceeded, and their sentences shall be carried into execution, in like manner as if they were courts martial respecting his Majesty's forces.(1)

(1) [*Vide* note on section 19.]

Offences committed after embarkation, may be tried on arrival at place of destination.

XX. And forasmuch as it may happen that offences may be committed by the said officers and men after their embarkation, and before their arrival at their places of destination abroad, which nevertheless cannot be tried and punished during their passage, in such manner as such offences ought to be tried and punished; be it therefore enacted, that in every such case, every such officer or soldier shall and may, after his arrival at his place of destination abroad, be tried and punished for every offence committed after his embarkation, and before his arrival, in the same manner as he would have been liable to be tried and punished if such offence had been committed in any place where the offender could have been tried by any court martial held under the authority of the said Act, passed in the twenty-seventh year of his late Majesty's reign.(1)

(1) [*Vide* 50 Geo. 3, cap. 87, sec. 2, and 4 Geo. 4, cap. 81, sec. 47.]

Court of Directors to transmit a report of the number of men levied, &c. to the Secretary of State, and the Commander-in-chief.

XXI. And be it further enacted, that the Court of Directors of the said United Company shall, and they are hereby required and directed, twice in every year, to make out a report of the number of men levied and subsisted by virtue of this Act, and of all the orders issued, and every other matter or thing done or directed to be done by them in the execution of this Act, and to transmit one copy of the same to one of his Majesty's principal Secretaries of State, and another to the Commander-in-chief of his Majesty's forces.

Public Act.

XXII. And be it further enacted, that this Act shall be deemed to be a public Act, and shall be taken notice of as such, by all judges and justices whomsoever, without specially pleading the same.

---

## 39 & 40 GEORGII III. Cap. XXXVI.

An Act *to enable Courts of Equity to compel a Transfer of Stock in Suits, without making the Governor and Company of the Bank of England, or the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other Parts of America, party thereto.* [1*st May*, 1800.]

Preamble.

Whereas great expence arises in suits in Courts of Equity, from the practice of making the Governor and Company of the Bank of England parties thereto, for the mere purpose of compelling or authorizing the said Corporation to suffer any transfer of stock standing in their books to be made which justice may require: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any of his Majesty's Courts of Equity, before or upon hearing any cause depending therein, to order the Governor and Company of the Bank of England to suffer a transfer of stock standing in their books to be made, or to pay any accrued or accruing dividends thereon, belonging to or standing in the names of any party to a suit, as such Courts may deem just; or to issue an injunction to restrain them from suffering any transfer of such stock, or from paying any dividends or interest accruing or accrued thereon, although such Governor and Company are not parties to the suit in which such decree or order shall be made, such Courts being satisfied by the certificate of the accountant of the said Corporation, duly signed by him as herein-after is directed, that the stock required to be transferred is standing in their books in the name of the persons or person required to transfer the same, or of the persons or person to whom they or he are or is the legal representative; and that after due service of a short order upon the said Governor and Company, or their proper officer, which shall contain no recital of their pleadings or other matter than the title of the cause, and the ordering part of such decree or order which respects the said Governor and Company, and for which the sum of eighteen shillings, and no more, shall be paid, like process shall issue to enforce such order or decree as to enforce them against any party to a suit depending in such Court.

Any Court of Equity may order the Bank of England to suffer a transfer of stock to be made, or to pay dividends belonging to, or standing in the names of any party to a suit, or issue an injunction to restrain such transfer or payment, although the Bank be not a party, &c.

On request of the clerk of the Court and the solicitor of the party, the Bank shall deliver a certificate stating the amount of such stock or dividends, &c. for which the fees herein specified shall be paid.

II. And for the better enabling any party to a suit to obtain and produce such certificate in Court, be it enacted, that upon request in writing signed by the clerk in Court (or other officer answering thereto) and the solicitor concerned in the cause for the party applying, which shall state the cause, and for what parties they are concerned, the Governor and Company of the Bank of England shall deliver, or cause to be delivered, to the said clerk in Court, or other officer and solicitor, or one of them, a certificate signed by their accountant, stating the amount of such stock or dividends, and in whose names or name such stock is standing in their books, and, if it be particularly required (but not otherwise) when such stock or any part thereof was transferred, and by whom, for the signing of which request in writing there shall

be paid to such clerk in Court or other officer, a fee of six shillings and eightpence, and no more, and to such solicitor, for the drawing, copying, and delivering at the Bank, a fee of thirteen shillings and fourpence, and no more, and to the officer making out and delivering such certificate, a fee of two shillings and sixpence, and no more: provided nevertheless, that nothing herein contained shall extend to any case where any further discovery is wanted than what is herein-before expressly mentioned, nor to any case where the said Governor and Company claim any interest in or lien upon the said fund, but that in such cases it shall be necessary to make them a party to such suit as if this Act had never been made; and that if any special matter shall arise, which in the opinion of the said Governor and Company shall affect their interests, or which might be objected against suffering such transfer of stock or payment of dividends, it shall be lawful for them to state such matter to the Court by motion or petition in such suit, and that execution of process to compel such transfer or payment shall be suspended until final order shall be made thereon.

Act not to extend to any further discovery than herein mentioned, nor to any case where the Bank claim an interest in the fund, &c.

III. And be it further enacted, that in all suits now depending, in which the said Governor and Company may have put in their answer, not claiming any interest in or lien upon the stock required to be transferred, no further proceeding shall be had against them as a party to such suits, but that the bill shall stand dismissed as against them in such suits; and that in all such suits an order may be made, upon motion or petition as of course, for the taxing of their costs already incurred, and for immediate payment thereof by the plaintiffs in any such suits, or any of them, subject however to any further order as between the other parties to such suits, respecting the final payment of such costs, as by the Court in which any suit may be depending shall be deemed just.

In suits depending where the Bank have put in their answer, not claiming any interest in the stock required to be transferred, proceedings shall be stopped and the bill dismissed, &c.

IV. And be it further enacted, that all the several regulations and provisions herein-before enacted, shall extend *mutatis mutandis* to every case where the United Company of Merchants of England trading to the East-Indies, or the Governor and Company of Merchants of Great Britain trading to the South Seas or other parts of America, have any stock standing in the books of such respective Corporations, which may now be or hereafter may become the subject of any suit in equity or incidental thereto, saving to the said Corporations respectively the like right of being made a party, or applying by motion or petition, in such suits as is before reserved or given to the Governor and Company of the Bank of England,

The provisions aforesaid shall extend to the East-India Company and the South Sea Company where they have stock standing in their books, which may become the subject of a suit in equity.

---

## 39 & 40 GEORGII III. Cap. LXXIX.

### An Act *for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same.*

[28*th July*, 1800.]

Whereas the territorial possessions of the United Company of Merchants of England trading to the East-Indies, in the peninsula of India, have become so much extended as to require further regulations to be made for the due government of the same: and whereas by an Act of Parliament, made and passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with their exclusive Trade, under

Preamble.

33 Geo. 3, c. 52.

certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" it is enacted, that the whole civil and military Government of the Presidency of Fort Saint George, on the coast of Coromandel, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast, and also so much and such parts of the territories and possessions on the coast of Orissa, with the revenues of the same, as had been and then were under the administration of the Government or Presidency of Fort Saint George, should be and were thereby vested in a Governor and three Counsellors of and for the said Presidency of Fort Saint George, subject to such rules, regulations, and restrictions, as were therein mentioned: and that the whole civil and military Government of the Presidency and island of Bombay, on the coast of Malabar, and the ordering, management, and government of all the territorial acquisitions and revenues on the said coast of Malabar, should be and were thereby vested in a Governor and three Counsellors of and for the said Presidency and island of Bombay, subject to the provision therein mentioned: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for the Court of Directors of the said Company for the time being, to declare and appoint what part or parts of the said territorial acquisitions, or of any other now subject to the Government of the said Presidency of Fort Saint George, or the said Presidency of Bombay, together with the revenues arising therefrom, and the establishment of civil servants connected therewith respectively, shall from thenceforth hereafter be subject to the Government of either and which of the said Presidencies, or of the Presidency of Fort William in Bengal, and from time to time, as occasion may require, to revoke and alter in the whole or in part such appointment, and to make such new distribution of the same as to them shall seem fit and expedient, subject nevertheless, in all cases, to the superintendence, direction, and control of the Commissioners for the affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and all such territorial acquisitions, and the revenues arising therefrom, and the establishment of civil servants connected therewith, shall, from and after the time, and subject as to such time to the conditions and limitations to be by the said Court of Directors limited and appointed for such purposes respectively, be to all intents and purposes whatsoever annexed to and made subject to such Presidency, and to the Court or Courts of Judicature established, or to be established, therein respectively.

The Court of Directors may appoint what parts of the territorial acquisitions, revenues, &c. shall be subject to either, and which of their Presidencies, subject to the control of the Commissioners for the affairs of India.

II. And whereas his late Majesty King George the Second did, by his letters patent, bearing date at Westminster the eighth day of January in the twenty-first year of his reign, grant unto the said United Company of Merchants of England trading to the East-Indies, his royal Charter, thereby amongst other things constituting and establishing Courts of Civil, Criminal, and Ecclesiastical Jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay, or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in so far as it respects the administration of justice at Madras, has been altered and changed, by virtue of an Act passed in the thirty-seventh year of his present Majesty, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay; and for preventing British Subjects from being concerned in Loans to the Native Princes in India:" and whereas the said Charter, so far as it respects the administration of

Letters patent of Geo. 2, dated the 8th of January, in the 21st of his reign.

37 Geo. 3, c. 142, recited.

justice at Fort William in Bengal, has also been altered and changed, by virtue of an Act passed in the thirteenth year of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and by divers subsequent statutes: and whereas it may be expedient for the better administration of justice in the said settlement of Madras, that a Supreme Court of Judicature should be established at Madras, in the same form, and with the same powers and authorities, as that now subsisting, by virtue of the several Acts before-mentioned, at Fort William in Bengal: be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by Charter or Letters Patent under the Great Seal of Great Britain, to erect and establish a Supreme Court of Judicature at Madras aforesaid, to consist of such and the like number of persons,(1) to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, Admiralty, and ecclesiastical jurisdictions, both as to natives and British subjects, and to be invested with such power and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control within the said Fort Saint George, and town of Madras, and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependant upon the said Government of Madras, as the said Supreme Court of Judicature at Fort William in Bengal, by virtue of any law now in force and unrepealed, or by this present Act, doth consist of, is invested with, or subject to, within the said Fort William, or the kingdoms or provinces of Bengal, Bahar, and Orissa.

13 Geo. 3, c. 63.

His Majesty may establish a Supreme Court of Judicature at Madras, to consist of the like number of persons, &c. as the Supreme Court at Fort William.

(1) [A Chief Justice and two Puisne Judges. *Vide* 37 Geo. 3, cap. 142, sec. 1.]

III. Provided always, that the Governor and Council at Madras, and the Governor-general of Fort William aforesaid, shall enjoy the same exemption, and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-general and Council at Fort William aforesaid, from the jurisdiction of the Supreme Court of Judicature there already by law established.

How far the Governor and Council at Madras, and the Governor-general of Fort William shall be exempted from the authority of the Court to be erected.

IV. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Madras as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Madras, or to the late Court of Oyer and Terminer and Gaol Delivery, which were, by the said Act passed in the thirty-seventh year of his present Majesty, directed to be delivered over, preserved, and deposited in the new Courts, erected by virtue of the said Act; and all the records, muniments, and proceedings whatsoever, of and belonging to any of the said new Courts, shall, from and immediately after such Supreme Court of Judicature as his Majesty is hereby empowered to erect shall be established at Madras, be delivered over to be preserved and deposited for safe custody in the said new Court of Judicature; to which all parties concerned shall and may have resort and recourse upon application to the said Court.

If his Majesty shall erect a Supreme Court at Madras, the records directed by recited Act of 37 Geo. 3, to be delivered over to the new Courts, and those belonging thereto, shall be delivered over to the Supreme Court.

V. And be it further enacted, that so much of the Charter granted by his present Majesty, for erecting the Courts of the Recorder of Madras and Bombay, as relates to the appointment of such Recorder, and the erecting of such Courts of Judicature at Madras, in case a new Charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Madras, from and immediately after such publication, shall cease and determine, and be

So much of the Charter of his present Majesty for erecting the Courts of Recorder at Madras, as relates to the appointment of a Recorder, &c. if a new

Charter be granted, shall be void, and the powers granted by recited Act of 37 Geo. 3, may be exercised by the Supreme Court.

absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh of his present Majesty to the said Courts of the Recorder at Madras, shall cease and determine, and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent herein-before directed.

When salaries shall commence, which shall be in lieu of all perquisites.

VII. And be it further enacted, that the said salaries shall commence and take place in respect to such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain,(1) and that the salaries of all such persons, who shall at the time of their appointment be resident in India, shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever, and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken in any manner, or on any account or pretence whatsoever, other than such salaries and allowances as are in and by this Act directed to be paid.

(1) [Salaries now commence in all cases from the period of entering upon office. *Vide* 53 Geo. 3, cap. 155, sec. 89.]

The salaries of the Judges of the Supreme Courts, and of the Recorder of Bombay, to cease on their leaving India.

IX. Provided always, and be it hereby further enacted, that when either of the Judges of the Supreme Court of Judicature at Fort William, or of the Supreme Court of Judicature which his Majesty is hereby empowered to erect at Madras, or the Recorder of Bombay, shall respectively leave India, the salary now payable, or which may become payable under and by virtue of this Act, to any such Judge or Recorder respectively, shall cease and be no longer paid; any thing herein or in any former Act or Acts contained to the contrary thereof in anywise notwithstanding.

If the Governor-general of Fort William, or the Governor of Fort St. George, or of Bombay, shall signify his intended absence from the Council, the senior member present shall preside; but no act of such Council shall be valid, unless signed by the Governor-general, or Governor respectively, if resident at the Presidency, and not prevented by indisposition; and if not so prevented, and he shall refuse to sign, he, and the members who shall have signed, shall mutually communicate the grounds of their opinions as directed by recited Act of 33 Geo. 3, where he shall when present dissent from the Council.

XII. And be it further enacted, that if the Governor-general of Fort William in Bengal for the time being, or the Governor of the said Presidency of Fort Saint George, and of the said Presidency and island of Bombay respectively for the time being, shall happen to be absent from any Council to be assembled for the said respective Presidencies of Fort William and Fort Saint George, and the said Presidency and island of Bombay, owing to indisposition or any other cause whatsoever, and shall signify such his intended absence to such Council so to be assembled, then and in every such case the senior member for the time being who shall be present at the Council so assembled, shall preside at such Council, in such manner, and with such full powers and authorities, during the time that such Council shall continue to be assembled, as such Governor-general or Governor might or would have had in case such Governor-general or Governor were himself actually present at such Council: provided nevertheless, that no act of any Council so held shall be valid to any effect whatsoever, unless the same shall be signed by such Governor-general or Governor respectively, if such Governor-general or Governor shall at the time be resident at the Presidency at which such Council shall be so assembled, and shall not be prevented by such indisposition from signing the same: provided always, that in case such Governor-general or Governor, not being so prevented as aforesaid, shall decline or refuse to sign such act of Council, he and the several Members of the Council who shall have signed the same, shall mutually exchange with and communicate in writing to each other the grounds and reasons of their respective opinions, in like manner and subject to such regulations and ultimate responsibility of such Governor-general or Governor respectively, as are by the said Act, passed in the thirty-third

year of the reign of his present Majesty,(1) provided and directed, in cases where such Governor-general or Governor respectively shall, when present, dissent from any measure proposed or agitated in such Council respectively: provided also, that nothing herein contained shall be taken or construed to prevent such Governor-general, in case he shall be absent from his own Government of Bengal, to nominate a Vice-president and Deputy-governor of Fort William, according to the provision for that purpose in the said Act passed in the thirty-third year of his present Majesty.(2)

The Governor-general, when absent, may nominate a Vice-president and Deputy-governor of Fort William.

(1) [33 Geo. 3, cap. 52, sec. 47 to 51. See also 3 & 4 Wm. 4, cap. 85, sec. 49.]

(2) [33 Geo. 3, cap. 52, sec. 53. See also 3 & 4 Wm. 4, cap. 85, sec. 69 and 70.]

XVII. And whereas great inconveniences have resulted from the manner in which the Courts of Requests for the recovery of small debts in the respective settlements of Fort William and Fort Saint George are constituted; be it therefore further enacted, that it shall and may be lawful to and for the Governor-general and Council of Fort William, and for the Governor and Council of Fort Saint George(1) aforesaid for the time being respectively, to order and appoint in what manner the said Courts respectively shall in future be formed, and to what amount in value, not exceeding the sum of four hundred sicca rupees, the jurisdiction of the same shall extend, and to frame and make such new rules and orders, and to establish and declare such new modes and forms of proceeding, as to them shall appear to be necessary and expedient for new-modelling, altering, and reforming the present constitution and practice of the said Courts respectively, and by their proclamation, to be made and published in due form of law, to declare and notify to all persons concerned, such new constitution, rules, orders, modes, and forms of proceeding, and the time from whence they are to have force and effect; and from and after such time as shall be so respectively notified for that purpose, the present Courts of Requests, as well as the rules, orders, modes, and forms of proceeding which are now used and observed therein, shall be abolished and cease, and thenceforth the new Court, rules, orders, modes, and forms of proceeding which the said Governor-general and Council are authorized and empowered, under and by virtue of this Act, to make and publish, shall be in full force and effect; any former Act or Acts to the contrary thereof in anywise notwithstanding.

The Governor-general and Council of Fort William, and the Governor and Council of Fort St. George, may order in what manner the Courts of Requests shall in future be formed, and to what amount the jurisdiction shall extend, &c.

(1) [The Government of Fort St. George has no longer any legislative power in ordinary circumstances. *Vide* 3 & 4 Wm. 4, cap. 85, sec. 59.]

XVIII. And whereas the powers given by the Act of the thirteenth year of his present Majesty to the Governor-general and Council of the said United Company's settlement at Fort William aforesaid, to enforce the observance of such rules, ordinances, or regulations, for the good order and civil government of the said settlement, and other factories and places subordinate to or to be subordinate thereto, as they are thereby authorized to make, by setting, imposing, and levying reasonable fines and forfeitures for the breach or non-observance of such rules, ordinances, and regulations, have not been found sufficient for the preservation

The Governor-general and Council at Fort William may order corporal punishment for breach of rules, made under authority of the recited Act of 13 Geo. 3.

of good order in the said settlement; be it therefore enacted, that it shall and may be lawful to and for the said Governor-general and Council for the time being, in addition to, or instead of such fines and forfeitures as above mentioned, to order or appoint such moderate and reasonable corporal punishment, by public or private whipping, or otherwise, as to them shall seem fit and expedient, for the breach or non-observance of any such rules heretofore made, or hereafter to be by them made, by virtue of the authority herein-before recited, subject nevertheless to such registry,(1) publication, approbation, power of appeal, and other regulations, as in and by the said recited Act, passed in the thirteenth year of his present Majesty, are prescribed and provided touching the rules, ordinances, regulations, fines, and forfeitures therein and herein-before mentioned.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 45, no registry or publication in any Court of Justice is necessary.]

No corporal punishment to be ordered, except on conviction before two Justices.

XIX. Provided always, and be it further enacted, that no such corporal punishment shall in any case be ordered to be inflicted, except only in case of due conviction of the offender before two(1) Justices of the Peace acting in and for the said settlement, presidencies, and places thereto subordinate, which offence such two(1) Justices of the Peace are hereby authorized and empowered to hear and determine, and to order such punishment upon conviction as aforesaid:

No conviction to be reviewed.

provided also, that no such conviction, judgment, or order, shall be reviewed or brought into any superior Court by writ of *certiorari* or appeal, or any other process whatsoever; any thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

(1) [*Vide* Acts of Government of India, Nos. 4 of 1835, and 32 of 1838, in Appendix.]

From March 1, 1801, the power of the Supreme Court of Judicature of Fort William shall extend over the province of Benares, and all places subordinate thereto, and all districts hereafter annexed to the Presidency.

XX. And whereas the province or district of Benares has been ceded to the said United Company, and been annexed to the said Presidency of Fort William in Bengal, since the establishment of the said Supreme Court of Judicature at Fort William aforesaid, and it is expedient that the same should be subject to the jurisdiction of the said Court, in like manner as the kingdoms or provinces of Bengal, Bahar, and Orissa; and that the said province or district, and all other provinces or districts, which may hereafter be at any time annexed and made subject to the said Presidency, should be subject to such regulations as the Governor-general and Council of Fort William aforesaid have framed or may frame for the better administration of justice among the native inhabitants and others within the same respectively; be it therefore further enacted, that, from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, the power and authority of the said Supreme Court of Judicature in and for the said Presidency of Fort William aforesaid, as now and by virtue of this Act established, and all such regulations as have been or may be hereafter, according to the powers and authorities, and subject to the provisions and restrictions before enacted, framed, and provided, shall extend to and over the said province or district of Benares, and to and over all the factories, districts, and places, which now are or hereafter shall be made subordinate thereto, and to and over all such provinces and districts as may at any time hereafter be annexed and made subject to the said Presidency of Fort William aforesaid.

From March 1, 1801, whenever any British subject shall die within either of the Presidencies or subordinate territories, and no next of kin or creditor shall appear, the register of the Ecclesiastical Court shall apply for letters of administration, and shall collect the assets of the deceased, and bring them into Court, and account for them.

XXI. And whereas great inconveniences have arisen from the practice of granting letters of administration by the said Supreme Court of Judicature at Fort William aforesaid, in cases where the next of kin, or any of the creditors of the deceased, do not apply for the same, to persons calling themselves friends of the deceased; be it therefore further enacted, that, from and after the first day of March which will be in the year of our Lord one thousand eight hundred and one, whenever any British subject shall die intestate within either of the Presidencies of Fort William, Fort St. George, or Bombay, or the territories subordinate to either of the said Presidencies, or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor shall appear and make out their claim to the administration of the effects of the intestate deceased to the satisfaction of the said Court, it shall and may be lawful for the register of such Court respectively, and he is hereby required to apply for, and such Court is hereby required and directed to grant such letters *ad colligenda* or of administration, as to such Court shall seem meet, by virtue whereof such register shall collect the assets of the deceased, and shall bring them for safe custody into such Court, and account for them regularly, in like manner as is now by law provided in cases where assets are vested in the hands of any officer of the Court, under or by virtue of the equitable jurisdiction of any such Court.(1)

(1) [The 55 Geo. 3, cap. 84, sec. 2, provides for granting administration to attornies of absent executors, administrators, or persons entitled to administration in preference to the register.]

When any next of kin or creditor, who shall have been absent, shall make out his claim, the letters of administration to the register shall be recalled, and letters granted to the claimant.

XXII. Provided always, and be it further enacted, that when any next of kin or creditor, who, at the time of the return of the above citation, shall have been absent in Europe or elsewhere, shall make and establish their claim to the administration of the assets of such intestate, the letters *ad colligenda* or of administration, granted by virtue of this Act to the said register, shall be recalled, and administration in due form granted to such next of kin or creditor respectively.(1.)

(1) [The 55 Geo. 3, cap. 84, sec. 3, directs the revocation of letters of administration granted to the register, on the application of appointed attornies, where no unreasonable delay takes place.

The same Act (sec. 5) provides for the keeping, inspection, and publication of accounts of estates to which the register has administered.]

The Judge of the Supreme Court at Fort William, and of the Supreme Court to be erected at Madras, and the Court of the Recorder at Bombay, may make rules for extending to insolvent debtors the relief intended by Act 32 Geo. 2, commonly called 'The Lords' Act.'

XXIII. And whereas doubts may have arisen whether any of the Courts of Judicature established in India by virtue of his Majesty's Charter are competent to administer adequate relief to insolvent debtors, who stand charged in execution for debts under a certain amount, according to the provisions of an Act passed in the thirty-second year of his late Majesty's reign, commonly called the Lord's Act, be it therefore further enacted, that it shall and may be lawful for the Judge of the said Supreme Court at Fort William, and of the Supreme Court which his Majesty is empowered by this Act to erect at Madras, or for the Court of the Recorder at Bombay, to make and publish such rules and orders as to them respectively shall seem meet, for extending to such insolvent debtors as shall be in execution under the process of such respective Courts, or of any Court previously established at such Presidency respect-

ively, for sums under the amount to be prescribed by such rules and orders, the relief intended by the said Act, and to prescribe and order what weekly sum the creditor or creditors at whose suit such debtor stands charged in execution, shall be obliged to pay and allow, in case such creditor or creditors shall insist on such debtor being detained in custody, and to adopt and proportion the same, as well as the amount of such debt as above-mentioned, to the general state and condition of such debtors, whether natives or Europeans, under the jurisdiction of such Court respectively; and such Courts are hereby authorized and empowered, as soon as such rules and orders shall have been made and established, to proceed to act upon the same accordingly as cases may arise to require the same, and to make such orders in such cases as may be necessary to carry the same fully into effect: provided always, that all such rules and orders as are first above-mentioned, for prescribing the mode in which such relief shall be administered, shall be transmitted to the President of the Board of Commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction, or revision, and such rules and orders shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.(1)

(1) [By 1 & 2 Vic. cap. 110, sec. 119, no prisoner for debt is to petition any Court for his discharge under the Lords' Act, nor is any creditor to petition any Court for the exercise of the compulsory powers of that Act against debtors.]

All rules made previous to the notification of this Act in the Presidencies, for the relief of insolvent debtors, shall be confirmed, and all suits commenced for acting under them shall be void

XXIV. And be it further enacted, that all rules and orders heretofore made or hereafter to be made, previous to the notification of this present Act, in such Presidencies respectively, by any of the Courts above-mentioned, or any Court previously established in either of the said Presidencies for the relief and discharge of such insolvent debtors, and all Acts by them, or either of them, done or commanded in pursuance thereof, shall be, and they are hereby ratified and confirmed, and all present actions and suits, indictments, informations, and all molestations, prosecutions, and proceedings whatsoever, which may have been, or may be had, commenced, or prosecuted, against any person whomsoever, for acting, or having acted under and in obedience to any such rules or orders, are and shall be discharged, annulled, and utterly made void and of no effect, to all intents and purposes, by virtue of this Act.

His Majesty may appoint Commissioners for carrying into execution a commission for the trial and adjudication of prize causes, &c. in India.

XXV. And whereas it may be expedient for his Majesty, his heirs or successors, to issue a Commission from his High Court of Admiralty in England, for the trial and adjudication of prize causes, and other maritime questions arising in India; be it therefore further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint all or any of the Judges of the Supreme Court of Judicature at Fort William aforesaid, or of the Supreme Court of Judicature to be erected as aforesaid at Madras, or the Court of the Recorder at Bombay, either alone or jointly with any other persons to be named in such Commission, to be Commissioners for the purpose of carrying such Commission so to be issued as aforesaid into execution; any Act or Acts to the contrary thereof in anywise notwithstanding.

## 42 GEORGII III. Cap. LXXXV.

*An Act for the Trying and Punishing in Great Britain Persons holding public Employments, for Offences committed Abroad; and for extending the Provisions of an Act, passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in Suits brought against them, to all Persons, either in or out of this Kingdom, authorized to commit to safe custody.*

[22*d June* 1802.]

Whereas persons holding and exercising public employments out of Great Britain often escape punishment for offences committed by them, for want of Courts having a sufficient jurisdiction, in or by reason of their departing from the country or place where such offences have been committed, and that such persons cannot be tried in Great Britain for such offences as the law now stands, in as much as such offences cannot be laid to have been committed within the body of any county: and whereas it is therefore expedient that such and the like provisions as are contained in an Act passed in the eleventh and twelfth years of the reign of his late Majesty King William the Third, intituled, "An Act to punish Governors of Plantations of this Kingdom for Crimes by them committed in the Plantations," and in an Act passed in the thirteenth year of the reign of his present Majesty, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and in an Act passed in the twenty-fourth year of the reign of his present Majesty, intituled, "An Act for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India, and for establishing a Court of Judicature for the more speedy and effectual trial of Persons accused of Offences committed in the East-Indies," should be extended and applied to the punishment of such offenders: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, if any person who now is, or heretofore has been, or shall hereafter be employed by or in the service of his Majesty, his heirs or successors, in any civil or military station, office, or capacity out of Great Britain, or shall heretofore have had, held, or exercised, or now has, holds, or exercises, or shall hereafter have, hold, or exercise any public station, office, capacity, or employment, out of Great Britain, shall have committed, or shall commit, or shall have heretofore been, or is, or shall hereafter be guilty of any crime, misdemeanor, or offence, in the execution, or under colour, or in the exercise of any such station, office, capacity, or employment as aforesaid, every such crime, offence, or misdemeanor may be prosecuted or inquired of, and heard and determined in his Majesty's Court of King's Bench here in England, either upon an information exhibited by his Majesty's Attorney-general, or upon an indictment found, in which information or indictment such crime, offence, or misdemeanor may be laid and charged to have been committed in the county of Middlesex, and all such persons so offending, and also all persons tried under any of the provisions of the said recited Act, passed in the reign of King William as aforesaid, or this Act, or either of them, for any offence, crime, or misdemeanor, and not having been before tried for the same out of Great Britain, shall, on conviction, be liable to such punishment as may, by any law or laws now in force, or any

11 & 12 Wm. 3, c. 12.

13 Geo. 3, c. 63.

24 Geo. 3, c. 25.

Offences committed by persons employed in any public service abroad may be prosecuted in the Court of King's Bench in England, and may be laid in Middlesex, and the offenders punished as if the offences had been committed in England.

Act or Acts that may hereafter be passed, be inflicted for any such crime, misdemeanor, or offence committed in England, and shall also be liable, at the discretion of his Majesty's Court of King's Bench, to be adjudged to be incapable of serving his Majesty in any station, office, or capacity, civil or military, or of holding or exercising any public employment whatever.

The Court of King's Bench, on motion, may award a writ of *mandamus* to any Court of judicature, or the Governor, &c. of the country where the offence was committed, to obtain proofs of the matters charged in the indictment, which shall be done by *viva voce* evidence, and the same shall be transmitted to the Court of King's Bench, and admitted on the trial, &c.

II. And be it further enacted, that in all cases of indictments found or informations exhibited under and by virtue of this Act, it shall be lawful for his Majesty's said Court of King's Bench, upon motion to be made, and such notice thereof as to the said Court of King's Bench may appear to be sufficient, by or on behalf of his Majesty's Attorney-general or other prosecutor, or of the defendant or defendants, to award at the discretion of the said Court a writ or writs of *mandamus* to any Chief Justice and Judges, or any Chief Justice or other Judge, singly for the time being, of any Court or Courts of Judicature in the country or island, or near to the place where the crime, offence, or misdemeanor shall be charged in such indictment or information to have been committed, or to any Governor or Lieutenant-governor, or other person having any chief authority in such country, island, or place, or to any other person or persons residing there, as the case may require, and as to the said Court of King's Bench may, under all the circumstances of the case, seem most expedient for the purpose of obtaining and receiving proofs concerning the matters charged in any such indictment or information; and the person or persons to whom such writ or writs shall be directed and sent, are hereby respectively authorized and required to hold a Court, Session, or Meeting, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictment or information respectively; and in the mean time to cause public notice to be given of the holding the said Court, Session, or Meeting, and to issue such summons or other process as may be requisite for the attendance of witnesses, and to adjourn from time to time as occasion may require; and such examination or examinations shall be then and there openly and publicly taken, *viva voce* in the said Court, Session, or Meeting, upon questions put by any such prosecutor or prosecutors, defendant or defendants, or any agent or agents, person or persons on behalf of the said Attorney-general or other prosecutor or prosecutors, and defendant or defendants respectively, if any such shall attend for that purpose, and by the Court, person or persons to whom such writ shall be directed and sent as aforesaid, upon the respective oaths of witnesses, and the oaths of skilful interpreters if necessary, administered according to the forms of their several religions, and shall, by some officer or person sworn for that purpose, be reduced into writing on parchment or paper; and in case any duplicate or duplicates shall be required by or on behalf of the prosecutor, or the defendant or defendants respectively, into two or more writings on parchment or paper, as the case may require; and such examination or examinations shall be sent to his Majesty in his Court of King's Bench closed up, and under the seal or seals of the person or persons before whom such examination or examinations as aforesaid shall have been taken; and the person or persons taking such examination or examinations as aforesaid shall deliver the same to any person or persons appointed by the said Court of King's Bench to receive the same, or shall transmit the same in such manner as the said Court of King's Bench shall direct; and all such examinations shall, with all convenient speed, be delivered to one of the clerks in Court of his Majesty's Court of King's Bench, in the Crown Office of the said Court, for the safe custody thereof; and every clerk in the said Court of King's Bench, to whom any examination or examinations shall be delivered, is hereby authorized to administer an oath to the person delivering the same to him, in such form as the said Court of King's Bench shall direct; and such examination or examinations shall be allowed and read upon the trial of any such indictment, or information, or any

other subsequent proceeding thereon or relating thereto, and shall be deemed as good and competent evidence as if the witness or witnesses, whose examination or examinations shall be so read, had been present, and sworn, and examined, *viva voce*, at such trial, any law or usage to the contrary notwithstanding, saving all just exceptions to be taken to any such examination or examinations or any part thereof when the same shall be offered to be read as aforesaid; and all persons concerned shall be entitled to take copies of such examinations in the custody of such clerk in Court at their own costs and charges.

Court of King's Bench may order an examination *de bene esse*, in cases where *viva voce* evidence cannot be had.

III. And be it further enacted, that it shall also be lawful for the said Court of King's Bench upon motion to be made, and such notice thereof as aforesaid, by or on behalf of his Majesty's Attorney-general, or other prosecutor, or defendant or defendants in any such indictment or information, to order an examination *de bene esse* of witnesses upon interrogatories, in any case where the *viva voce* testimony of such witnesses cannot conveniently be had, to be taken before an examiner to be appointed by the said Court, and the depositions taken upon such interrogatories shall be afterwards admitted to be read in evidence upon the trial of such indictment or information, or in any other subsequent proceeding thereon or relating thereto, and shall be deemed good and sufficient evidence in the law, saving all just exceptions to be taken to such depositions when the same shall be offered to be read as aforesaid.

Persons to whom such writs of *mandamus* shall be directed, shall do all things necessary for the due execution thereof by compelling the appearance and giving evidence of witnesses, &c.

IV. And be it further enacted, that it shall be lawful for any person or persons to whom any such writ or writs of mandamus shall be directed, or order sent as aforesaid; and in case the same shall be directed or sent to more than one person, for so many of them as shall for that purpose be appointed by the said writ, or required by the said order, and who shall act in the execution thereof; and such person and persons is and are hereby respectively authorized and required to administer all oaths required to be taken under any of the provisions of this Act, or necessary for the due execution of any such writ or order, or any act, matter, or thing relating thereto, and to examine upon oath all persons whom he or they find occasion to summon, and all other persons whom he or they shall think fit to examine, touching all matters and things necessary for the due execution of any such writ or order as aforesaid: and such person and persons respectively, to whom such writ shall be directed, or order sent as aforesaid, or so many of them as shall in that behalf be appointed, and shall act in the execution thereof as aforesaid, shall have full power and authority to compel the appearance and giving evidence of any witness upon any such writ or order, and to issue special summons, or other process for that purpose, and may proceed upon such summons, or other process, by imprisonment of the body of any person refusing to appear or give evidence, in like manner as any Court or Courts of Record within this kingdom, having competent authority for that purpose, may proceed against any person or persons for any contempt committed against the authority of any such Court.

Persons giving false evidence shall be subject to the pains inflicted for perjury.

V. And be it further enacted, that in case any person or persons in the course of his, her, or their examination upon oath, under and by virtue of the said recited Act of the twenty-fourth year of his present Majesty, or this Act, shall wilfully and corruptly give false evidence, such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties, as persons guilty of wilful and corrupt perjury shall be liable to by any law or laws then in force in the kingdom, island, or place where such false evidence shall have been given as aforesaid.

21 Jac. I, c. 12.

VI. And whereas it is expedient to extend the provisions of an Act, passed in the twenty-first year of the reign of his Majesty King James the First, intituled, "An Act to enlarge

and make perpetual the Act made for Ease in pleading against troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other his Majesty's Officers, for the lawful Execution of their Office, made in the seventh year of his Majesty's most happy reign," to all persons who may by law commit to safe custody, either in or out of this kingdom; be it therefore enacted, that, from and after the passing of this Act, the said recited Act, and all the provisions therein contained shall extend, and be deemed, taken, and construed to extend to all persons having, holding, or exercising, or being employed in, or who may hereafter have, hold, or exercise, or be employed in any public employment, or any office, station, or capacity, either civil or military, either in or out of this kingdom; and who under and by virtue, or in pursuance of any Act or Acts of Parliament, law or laws, or lawful authority within this kingdom, or any Act or Acts, statute or statutes, ordinance or ordinances, or law or laws, or lawful authority in any plantation, island, colony, or foreign possession of his Majesty, now have or may hereafter have, by virtue of any such public employment, or such office, station, or capacity, power or authority to commit persons to safe custody: and all such persons, having such power or authority as aforesaid, shall have and be entitled to all the privileges, benefits, and advantages, given by the provisions of the said Act as fully and effectually, to all intents and purposes, as if they had been specially named therein: provided always, that where any action, bill, plaint, or suit upon the case, trespass, battery, or false imprisonment, shall be brought against any such person as in this Act described as aforesaid, in this kingdom, for or upon any Act, matter, or thing done out of this kingdom, it shall be lawful for the plaintiff bringing the same to lay such Act, matter, or thing to have been done in Westminster, or in any county where the person against whom any such action, bill, plaint, or suit, shall be brought, shall then reside; anything in this Act to the contrary thereof notwithstanding.

Recited Act shall extend to persons having public employment, and who by law are empowered to commit persons to safe custody.

Where any action shall be brought for any thing done out of this kingdom, it may be laid in Westminster, or in any county where the defendant shall reside.

---

## 43 GEORGII III. Cap. LXIX.

*An Act to repeal the Duties of Excise payable in Great Britain, and to grant other Duties in lieu thereof.* [*4th July* 1803.]

This Act made some changes in the auction duty. The immunity of the East-India Company was continued by section 4.

Duties and drawbacks under this Act to be levied, &c. as former duties, &c. unless hereby altered.

IV. And be it further enacted, that the said several sums of money respectively inserted, described, and set forth in the said schedules hereunto annexed, marked A. and B., as the duties of excise, and the allowances, bounties, and drawbacks of the duties of excise upon the several goods, wares, merchandize, or commodities inserted in the schedule hereunto annexed, marked C., or mentioned in this Act, shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed (except where any alteration is expressly made by this Act), in such and the like manner, and in or by any or either of the general or special means, ways, or methods, by which the former duties of excise, and other duties under the management of the said Commissioners of Excise re-

spectively, and the allowances, bounties and drawbacks of duties of excise, and other duties under the management of the said Commissioners of Excise respectively, were or might be raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed, and the several persons, and the goods, wares, merchandize, or commodities, by this Act respectively made liable to the payment of, or chargeable with, duties of excise, or entitled to allowances, bounties, or drawbacks of duties of excise, as respectively inserted, described, and set forth in the said schedules hereunto annexed, marked A., B., and C., shall be, and the same are hereby made subject and liable to all and every the conditions, regulations, rules, and restrictions, to which such persons, goods, wares, merchandize, or commodities, were generally or specially subject and liable by any Act or Acts of Parliament in force on and immediately before the fifth day of July one thousand eight hundred and three, respecting the duties of excise, or other duties under the management of the said Commissioners of Excise respectively, except where any alteration is expressly made by this Act, or by any other Act or Acts of this session of Parliament; and all and every pain, penalty, fine, or forfeiture, of any nature or kind whatever, as well pains of death as others, for any offence whatever committed against or in breach of any Act or Acts of Parliament in force on and immediately before the fifth day of July one thousand eight hundred and three, for securing the revenue of excise, or other duties under the management of the said Commissioners of Excise respectively, or for the regulation or improvement thereof; and the several clauses, powers, and directions therein contained (unless where expressly altered by this Act), shall, and are hereby directed and declared to extend to, and shall be respectively, applied, practised, and put in execution, for and in respect of the several duties of excise hereby charged and allowed, in as full and ample manner, to all intents and purposes whatsoever, as if all and every the said Acts, clauses, provisions, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this Act.

---

## 44 GEORGII III. Cap. III.

An Act *to regulate the Bonds issued by the East-India Company, with respect to the Rate of Interest, and the Duty payable thereon.* [15*th December* 1803.]

The first two sections of this Act related to the payment of the property tax, and are, consequently, now inoperative.

East-India Company allowed to pay the same interest as is allowed on Exchequer bills.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said United Company, with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, from time to time, to pay and allow interest on the money heretofore raised on the bonds of the said Company, and which are now outstanding, and also on money to be raised on any bonds which the said United Company may lawfully issue, at and after such rate not exceeding such rate of interest as may be allowed on any Exchequer bills issued or to be issued at the same time by virtue of any Act or Acts of Parliament, as the said United Company, with such consent as aforesaid, shall in their discretion see fit; and all bonds and instruments for securing the money

raised thereon, shall be valid and effectual; and no person or persons taking, accepting, or receiving such interest, shall be therefore liab to any penalty or forfeiture whatsoever; any law, statute, or usage to the contrary thereof in anywise notwithstanding.

Not restrained from allowing legal interest.

IV. Provided always, that nothing herein contained shall be construed to extend to restrain the said United Company from allowing at any time legal interest on such bonds.

Since the passing of this Act some changes have been made in the Usury Laws; but those made previously to the 2 & 3 Vic. cap. 37, affected bills and promissory notes only. By that Act, however, not only bills and promissory notes not having more than twelve months to run, but all contracts for the loan or forbearance of money, above the sum of ten pounds (except on landed security), are relieved from the restrictions of the Usury Laws until the 1st January 1842.

---

## 45 GEORGII III. Cap. XXX.

AN ACT *for granting his Majesty several additional Duties of Excise in Great Britain.* [*5th April* 1805.]

This Act which relates, among other subjects, to auctions, continues previous exemptions, including that of the East-India Company, by the following section:

Duties to be levied as the former duties of Excise.

VI. And be it further enacted, that the said several sums of money respectively inserted, described, and set forth, in the said schedule hereunto annexed, marked (A) as the duties of Excise, and the drawbacks of the duties of Excise set forth in the said schedule marked (B) upon the several and respective goods, wares, merchandize, or commodities inserted therein, shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed, in such and the like manner, and in or by any or either of the general means, ways, or methods by which the former duties of Excise respectively, and drawbacks of duties of Excise respectively, upon goods, wares, merchandize, or commodities of the same sorts or kinds respectively, were or might be raised, levied, collected, answered, paid, recovered, adjudged, mitigated, and allowed; and the goods, wares, merchandize, or commodities, so by this Act respectively made liable to the payment of, or chargeable with duties of Excise, or entitled to drawbacks of duties of Excise, as respectively inserted, described, and set forth in the said schedules hereunto annexed, shall be, and the same are hereby made subject to all and every the conditions, regulations, rules, restrictions and forfeitures to which goods, wares, merchandize, or commodities in general; and also all and every the special conditions, rules, regulations, restrictions, and forfeitures respectively, to which the like goods, wares, merchandize, or commodities respectively were subject and liable, by any Act or Acts of Parliament in force

immediately before the passing of this Act, respecting the duties of Excise, and all and every pain, penalty, fine, or forfeiture, of any nature or kind whatever, for any offence whatever, committed against or in breach of any Act or Acts of Parliament in force immediately before the passing of this Act, made for securing the revenue of Excise, or for the regulation and improvement thereof, and the several clauses, powers, and directions therein contained, shall and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution, for and in respect of the several duties of Excise, and drawbacks of duties of Excise, hereby charged and allowed, in as full and ample a manner, to all intents and purposes whatever, as if all and every the said Acts, clauses, provisions, powers, directions, fines, pains, penalties, or forfeitures, were particularly repeated and re-enacted in the body of this Act.

---

## 45 GEORGII III. Cap. XXXVI.

AN ACT *to enable the East-India Company to appoint the Commander-in-chief on the Bengal Establishment to be a Member of the Council of Fort William in Bengal, notwithstanding the Office of Governor-general of Fort William, and the Office of Commander-in-chief of all the Forces in India, being vested in the same Person.* [10*th April* 1805.]

Whereas it is expedient that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should be authorized and empowered, if they shall think fit, to appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the Supreme Council of Fort William in Bengal, notwithstanding the office of Governor-general of Fort William aforesaid, and the office of Commander-in-chief of all the forces in India, shall be vested in the same person; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Court of Directors of the said United Company specially to authorize and appoint the commander of the military forces of the said United Company on the Bengal establishment to be a member of the said Supreme Council of Fort William aforesaid, notwithstanding the office of Governor-general of Fort William aforesaid, and the office of Commander-in-chief of all the forces in India, shall be vested in the same person.

The Court of Directors may appoint the commander of the forces of the Company on the Bengal establishment to be a member of the Council of Fort William, notwithstanding the office of Governor-general and Commander-in-chief be vested in the same person:

II. And be it enacted, that when any such commander of the military forces of the said United Company on the Bengal establishment shall be appointed a member of the said Supreme Council, such commander shall have rank and precedence at the Council Board next to the Governor-general, but he shall not succeed to the government of such presidency on the happening of a vacancy in the office of Governor-general, unless such commander of the military forces of the said United Company on the Bengal establishment shall have been provisionally appointed to supply the same; but such vacancy shall be supplied by the counsellor next in rank at the Council Board to such commander of the military forces of the said

And such commander shall have rank at the Board next to the Governor-general, but shall not succeed to the government in case of vacancy, unless provisionally appointed to supply the same. 33 G. 3, c. 52.

United Company on the Bengal establishment, any thing contained in an Act, passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company for a further term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" or any other law, usage, or custom, to the contrary thereof in anywise notwithstanding.

The two sections above are in substance re-enacted, as affects the Supreme Council of India, by 3 & 4 Wm. 4, cap. 85, sec. 40 and 62.

Such commander so appointed a member of the Council, shall be subject to recall.

III. Provided always, and be it enacted, that any commander so to be appointed a member of the said Supreme Council as herein-before is mentioned, shall be subject to recall by the same persons and in the same manner, and shall have the same powers, franchises, and authorities, in all respects as a Member of Council, as if he had been appointed thereto as Commander-in-chief of all the forces in India.

---

## 47 GEORGII III. Sess. 2. Cap. XLI.

AN ACT *to enable the East-India Company to raise Money upon Bond instead of increasing their Capital Stock.* [*8th August* 1807.]

Whereas by virtue of an Act made in the thirty-third year of his present Majesty's reign,
33 G. 3, c 47. intituled, "An Act for placing the Stock, called East-India Annuities, under the Management of the Governor and Company of the Bank of England, and ingrafting the same on the three pounds per centum Reduced Annuities, in redemption of a Debt of Four Millions Two hundred thousand Pounds, owing by the Public to the East-India Company; and for enabling the said Company to raise a sum of Money by a further increase of their Capital Stock, to be applied in discharge of certain Debts of the said Company;" and by virtue of
34 G. 3, c. 41. another Act, made in the thirty-fourth year of his said Majesty's reign, intituled, "An Act to empower the East-India Company to continue a Bond Debt of Two Millions, and to increase the same by a further sum as circumstances may require," the said Company are authorized and empowered to raise money upon bonds under their common seal, and to continue a bond debt to the amount of three millions of pounds sterling, and no more: and whereas by an Act made in the thirty-seventh year of his said Majesty's reign, intituled,
37 G. 3, c. 31. "An Act to enable the East-India Company to raise Money by further increasing their Capital Stock; and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock;" the said United Company were authorized and empowered to raise money by enlarging their then present capital stock or fund of six millions of pounds, to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not exceed the capital sum of eight

millions; but the said United Company have not yet enlarged their capital stock under and by virtue of the powers contained in the said last-mentioned Act: and whereas it is expedient that the said Company should be permitted to increase their bond debt by a further sum, not exceeding two millions sterling, as circumstances may require, instead of increasing their capital stock: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said Company by and with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, at any time or times hereafter, to borrow, upon bonds to be issued under their common seal, any further sum or sums of money, not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes as, under and by virtue of the said Act of the thirty-seventh year of his said Majesty's reign, the money to be raised by enlarging the capital stock of the said Company is applicable; anything contained in the said recited Act, or in any other Act notwithstanding.

Company may borrow any further sum not exceeding £2,000,000.

III. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Act to be deemed a public Act.

[The amount of the bond-debt has been fluctuating. A statement of the particulars of its origin, progress, and variations, will be found in the note on 34 Geo. 3, cap. 41.]

---

## 47 GEORGII III. Sess. 2. Cap. LXVIII.

An Act *for the better Government of the Settlements of Fort Saint George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the Periods at which the Civil Servants of the East-India Company may be employed in their service Abroad.* [13*th August* 1807.]

IV. And be it further enacted, that the Governor and Members of the Council for the time being of Fort Saint George, and the Governor and Members of the Council for the time being of Bombay respectively, shall and may, and they are hereby respectively declared to be, and to have full power and authority to act as Justices of the Peace for the said towns of Madras and Bombay respectively, and for the several settlements and factories subordinate thereto respectively, and to do and transact all matters and things which to the office of a

Governors and Members of the Council at Madras and Bombay may act as Justices of the Peace for the said towns:

Justice or Justices of the Peace do belong and appertain; and for that purpose the said Governor and Council of Fort Saint George, and the said Governor and Council of Bombay, are hereby respectively authorized and empowered to hold Quarter Sessions within the said settlements of Fort Saint George and Bombay aforesaid respectively, four times in every year, and the same shall respectively be, at all times, Courts of Record.

and issue commissions for appointing Justices in the places subordinate thereto.

V. And be it further enacted, that it shall and may be lawful to and for the Governor in Council of Fort Saint George, and the Governor in Council of Bombay respectively, for the time being, by commissions to be from time to time issued under the seals of the Supreme Court of Judicature of Fort Saint George, and the Court of the Recorder of Bombay respectively, in the name of the King's Majesty, his heirs and successors, such commissions as shall be issued under the seal of the Supreme Court of Judicature of Fort Saint George, to be tested in the name of the Chief Justice of the said Court, and such commissions as shall be issued under the seal of the Court of the Recorder of Bombay, to be tested in the name of the Recorder of the said Court (which said commissions the said Supreme Court of Judicature at Fort Saint George and the said Court of the Recorder at Bombay, are hereby respectively authorized and required from time to time, by any order or warrant from the said Governor in Council of Fort Saint George and Bombay respectively, to issue accordingly) to nominate and appoint such and so many of the covenanted servants of the said Company, or other British inhabitants, as the said Governor in Council of Fort Saint George, and the said Governor in Council of Bombay respectively, shall think properly qualified to act as Justices of the Peace within and for the said Provinces and Presidencies, and places thereto subordinate respectively; and such persons shall, according to the tenor of the respective commissions wherein they shall be so nominated and appointed, and by virtue thereof, and of this Act, have full power and authority to act as Justices of the Peace, according to the tenor of the said commissions wherein they shall be respectively named, in and for the Provinces and Presidencies aforesaid, and places subordinate thereto respectively; and the said Supreme Court of Judicature at Fort Saint George, and the Court of the Recorder of Bombay respectively, upon any requisition in writing from the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, shall and may from time to time supercede such commissions, and upon like requisitions issue new commissions for the purposes aforesaid, unto the same or such other of the covenanted servants of the said Company, or other British inhabitants, as shall from time to time be so nominated by the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, in that behalf, all which commissions shall be filed of record in the respective Courts of Oyer and Terminer of the Province, Presidency, or place, wherein for which the same shall be issued as aforesaid; and all such Justices of the Peace and their proceedings, shall be subject and liable to such rules, regulations, and restrictions, as under or by virtue of any Act or Acts of Parliament now in force, the Justices of the Peace to be appointed by the Governor-general in Council of Fort William aforesaid, and their proceedings are or may be subject or liable to.

Repeal of provision in 33 G. 3, c. 52, for enabling the Governor-

VI. And be it further enacted, that from and after the first day of March, one thousand eight hundred and eight, so much of the Act passed in the thirty-third year of the reign of

his present Majesty, intituled, "An Act for continuing in the East-India Company for a further term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company, and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," as authorizes the Governor-general in Council of Fort William in Bengal, to nominate and appoint any person or persons to be or act as Justices of the Peace within and for any of the Provinces, Presidencies, or places, subordinate to the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, or to supercede any commissions of the peace, shall be and is hereby repealed: provided always, that such repeal shall in nowise prejudice or affect the authority of any person or persons theretofore appointed by the said Governor-general in Council of Fort William, to be and act as Justices of the Peace within and for any of the Provinces, Presidencies, or places, subordinate to the said Governor in Council of Fort Saint George, and Governor in Council of Bombay respectively, until the commissions to such persons shall be superceded by the Governor in Council of Fort Saint George, or the Governor in Council of Bombay respectively.

General in Council at Fort William to appoint Justices for the Presidencies at Madras and Bombay.

The seventh section relates to the periods of residence in India necessary to qualify for a given amount of salary; but as these have been altered by subsequent regulations the latter part of the section only is here retained.

VII. * * * * * * * *

And whereas the said Company have lately established a College in England for the appropriate education of young men designed for their civil service in India, and it will therefore be expedient that, under certain circumstances, the time spent by such young men in the said College, after they shall have attained the age of seventeen years, should entitle them to the same privileges as they would have been entitled to if they had been resident during such time in India; be it therefore enacted, that from and immediately after the passing of this Act all such time, not exceeding two years, as shall be *bonâ fide* spent in the said College in the regular course of such education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, provided they shall *bonâ fide* spend, either before or after seventeen years of age, two years(1) at the least in the said College, in the regular course of such education, and shall afterwards go to India in the civil service of the said Company, shall be accounted, as to the offices, places, and employments, which such persons are entitled to be appointed to and to hold, as so much time actually spent in India; the said Act, or any other law or usage to the contrary thereof in anywise notwithstanding.

Time not exceeding two years, spent in the College established in England, shall be deemed time spent in India.

(1) [By 10 Geo. 4, cap. 16, sec. 2, the time spent at College after seventeen, not exceeding two years, is to be accounted as spent in India, without reference to the completion of two years collegiate residence.]

VIII. And whereas it may be expedient that public banks for the deposit and loan of money, and the negociation of securities, and other purposes, should be established in the

The Governments in India may establish public banks there.

East-Indies; and that the individuals who may become members thereof, should be incorporated under and by the authority of the respective governments in the East-Indies; but doubts have been entertained, whether the powers of those governments are competent to the establishment of such banks within the local limits of the jurisdictions of the several Courts of Justice in India, which have been established by his Majesty's Charters; and it is expedient that such doubts should be removed; be it therefore enacted, and it is hereby enacted and declared, that it shall and may be lawful to and for the several Governments in the East-Indies to establish such public banks, with perpetual succession, and such rights, privileges, franchises, and immunities, as are incidental or are usually granted to corporations legally erected in that part of the United Kingdom of Great Britain and Ireland called England, and under and subject to such terms and conditions as they shall see fit; and that the several persons who shall be so incorporated, and their heirs, executors, administrators, and assigns, shall have, hold, enjoy, and be entitled to all such rights, privileges, franchises, and immunities, as well within as beyond the local limits of the jurisdiction of the several Courts of Justice so established as aforesaid, according to the true intent and meaning of the several orders or Acts, by virtue of which any such banks or corporations shall be so established: provided always, that the establishment of any such banks or corporations shall not be valid or effectual, until they shall have received the approbation of the Court of Directors of the said Company, subject to the control of the Board of Commissioners for the affairs of India for the time being.

All persons in the service of the Company may subscribe to them.

IX. And be it enacted, that it shall and may be lawful to and for all persons whomsoever, in the service of the said Company, and for all the Judges of the several Courts of Justice in India, to subscribe to and become members of any such bank or corporation as aforesaid, and that it shall be lawful to and for any person or persons in the service of the said Company, to be elected or appointed, or to become directors or managers thereof; any thing contained in the said Act of the thirty-third year of his present Majesty's reign, or any other Act of Parliament, to the contrary thereof in anywise notwithstanding.

No Judge to be a Director.

X. Provided always, and be it further enacted, that no Judge of any of the said Courts of Justice in India, established by his Majesty's Charter, shall be capable of being appointed to, or holding the office of the director or manager of any such bank or corporation.

Public Act.

XI. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and others, without being specially pleaded.

---

## 48 GEORGII III. Cap. CVI.

An Act *to remedy the Inconvenience which has arisen, and may arise, from the Expiration of Acts, before the passing of Acts to continue the same.*

[25*th June* 1808.]

Whereas Bills for the continuing of Acts in force only for a limited time have sometimes not passed before the expiration of the Act intended to be continued; and great inconvenience

may arise therefrom; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any Bill may have been or shall be introduced into this present or any future session of Parliament, for the continuance of any Act which would expire in such sessions, and such Act shall have expired before the Bill for continuing the same shall have received the royal assent, such continuing Act shall be deemed and taken to have effect from the date of the expiration of the Act intended to be continued, as fully and effectually, to all intents and purposes, as if such continuing Act had actually passed before the expiration of such Act, except it shall be otherwise especially provided in such continuing Act: provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to affect any person or persons with any punishment, penalty, or forfeiture whatsoever, by reason of anything done or omitted to be done by any such person or persons contrary to the provisions of the Act so continued, between the expiration of the same and the date at which the Act continuing the same may have received or shall receive the royal assent.

When Bills for continuing expiring Acts shall not pass before the Acts expire, such Acts shall be continued from their expiration.

---

## 49 GEORGII III. Cap. CXXVI.

### AN ACT *for the further Prevention of the Sale and Brokerage of Offices.*

[20*th June* 1809.]

Whereas an Act passed in the fifth and sixth year of the reign of King Edward the Sixth, intituled, "Against buying and selling of Offices:" and whereas it was in and by the said Act enacted, amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance, to receive, or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness treasure, money, rent, revenue, account, aulnage, auditorship, or surveying of any of the Kings' Majesty's honours, castles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom-house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of Court of Record, wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward, or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them,

5 & 6 Ed. 6, c. 16.

or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to any of the said office or offices, deputation or deputations, or any part of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which offices, or for any part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance, to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward, to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance, to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified, should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: and whereas it was in the said Act provided, that the said Act, or any thing therein contained, should not in anywise extend to any office or offices, whereof any person or persons was or should be fiefed of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: and whereas it was by the said Act further provided, that if any person or persons did thereafter offend in any thing contrary to the tenor and effect of the said Act, yet that, notwithstanding all judgments given, and all other Act and Acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited, or not occupied or not enjoyed, by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law, to all intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: and whereas it was by the said Act further provided, that the said Act or any thing therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the Chief Justices of the King's Courts, commonly called the King's Bench or Common Pleas, or to any of the Justices of Assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the said Act and all the provisions therein contained shall extend, and be construed to extend, to Scotland and Ireland, and to all offices in the gift of the Crown or of any office appointed by the Crown, and all commissions, civil, naval or military, and to all places and employments, and

Provisions of 5 & 6 Ed. 6, c. 16, extended to other offices.

to all deputations to any such offices, commissions, places, or employments in the respective departments or offices, or under the appointment or superintendance and control of the Lord High Treasurer or Commissioners of the Treasury, the Secretary of State, the Lords Commissioners for executing the office of Lord High Admiral, the Master-general and principal officers of his Majesty's Ordnance, the Commander-in-chief, the Secretary at War, the Paymaster-general of his Majesty's Forces, the Commissioners for the affairs of India, the Commissioners of the Excise, the Treasurer of the Navy, the Commissioners of the Navy, the Commissioners for Victualling, the Commissioners of Transports, the Commissary-general, the Storekeeper-general, and also the principal officers of any other public department or office of his Majesty's Government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or control of the United Company of Merchants of England trading to the East-Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act; and the said Act and this Act, and all the clauses and provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

When right of appointment forfeited, to go to his Majesty.

II. Provided always, and be it further enacted, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

Persons buying or selling offices, or receiving or paying money or rewards for offices, guilty of a misdemeanor.

III. And be it further declared and enacted, that from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any way, device, or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward, or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance to give or pay any money, fee, gratuity, loan of money, reward, or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any office, commission, place or employment specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents, or voice or voices, of any person or persons to any such appointment, nomination, or resignation, then and in every such case, every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons receiving or paying money for soliciting offices, and any negociations or pretended negociations relating thereto, guilty of a misdemeanor.

IV. And be it further enacted, that from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negociation whatever, made or to be made, or pretended to be made, or under any pretence

of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negociation in or about or in anywise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negociation in or about any such nomination, appointment, deputation, or resignation, or for the obtaining or having obtained the consent or consents, or voice or voices, of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation; and also if any person or persons shall give or pay, or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree or give or pay, or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward, or profit for any solicitation, petition, request, recommendation, or negociation whatever, made or to be made, that shall in anywise touch, concern, or relate to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained, directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also if any person or persons shall, for or in expectation of gain, fee, gratuity, loan of money, reward, or profit, solicit, recommend, or negociate in any manner for any person or persons in any matter that shall in anywise touch, concern, or relate to any such nomination, appointment, deputation, or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment, or deputation or resignation aforesaid, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons opening or advertising houses for transacting business relating to the sale of offices, guilty of a misdemeanor.

V. And whereas on the pretence of negociating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise it may be lawful to sell, offices for negociating the same, and advertisements may be published, by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negociating in any manner whatever any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any public department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

Inflicting a penalty on persons advertising or publishing the names of brokers or agents.

VI. And be it further enacted, that if any person or persons shall advertise or publish, or cause or procure to be advertised or in any manner published any house, room, office, or place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published, the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors, for any of the purposes aforesaid, or print or cause or procure or permit or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals, for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's Courts of Record at

Westminster, as to all offences committed in England, or at Dublin as to offences committed in Ireland, or in his Majesty's Courts in Scotland as to offences committed in Scotland respectively; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

Act not to extend to purchase or sale of commissions for the regulated prices, or authorized regimental agents acting in such cases according to regulation, without fee or reward.

VII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any purchases, sales, or exchanges of any commissions or appointments in the honourable band of Gentlemen Pensioners, or in his Majesty's Yeoman Guard, or in the Marshalsea, and the Court of the Palace of the King at Westminster, or to extend to any purchases, sales, or exchanges, of any commissions in his Majesty's forces for such prices as shall be regulated and fixed by any regulation made or to be made by his Majesty in that behalf, or to any act or thing done in relation thereto, by any agents, provided that such agents shall be agents of regiments authorized by the Commander-in-chief of his Majesty's forces, or by the colonels or commandants of regiments or corps, and shall act therein under such regulations only as are or shall from time to time be established by his Majesty, and shall not cause or procure, or knowingly permit or suffer to be printed or advertised, any advertisement or advertisements, proposal or proposals, for any purchase or sale or exchange of any commission, or any negociation relating thereto, and shall not receive or take any money, fee, gratuity, or reward, or any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, or reward, for acting in such behalf.

Officers in army giving more than regulated prices, or paying agents for negociating, to forfeit their commissions, and be cashiered; their commissions to be sold, and half of the produce, when not exceeding a certain sum, to go to informer.

VIII. Provided also, and be it further enacted, that every officer in his Majesty's forces, who shall take, accept, or receive, or pay or agree to pay, any larger sum of money, directly or indirectly, than what is allowed by any regulations made by his Majesty in relation to the purchase, sale, or exchange of commissions in his Majesty's forces, or who shall pay or cause to be paid any sum of money to any agent or broker, or other person, for negociating the purchase or sale or exchange of any such commission, shall, on being convicted thereof by a general court martial, forfeit his commission, and be cashiered: and as an encouragement for the detection of such practices, such commission so forfeited shall be sold, and half the regulated value (not exceeding five hundred pounds) shall be paid to the informer, and the other half, or the remainder, if more than five hundred pounds, shall go and be applied as his Majesty shall order and direct, by any regulations from time to time made in that behalf: provided also, that every person who shall sell his commission in his Majesty's forces, and not continue to hold any commission in his Majesty's forces, and shall, upon or in relation to such sale, take, accept, or receive, directly or indirectly, any money, fee, gratuity, loan of money, reward, or profit, or any promise, agreement, covenant, contract, bond, or assurance, or shall by any device or means contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, beyond the regulated price or value of the commission sold, and also every person who shall wilfully or knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor within the provisions of this Act.

Act not to extend to offices excepted in former Act, nor to securities or transactions under legal securities.

IX. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth against buying and selling of offices, or to any office which was legally saleable before the passing of this Act, and in the gift of any person by virtue of any office of which such person is or shall be possessed

under any patent or appointment for his life, or to render invalid or in any manner to affect any promise, agreement, covenant, contract, bond, assurance, or trust, entered into or declared before the passing of this Act, and which before the passing thereof was a valid promise, agreement, covenant, contract, bond, assurance, or trust, in law or equity, or to any money paid, or to any Act, matter, or thing done in pursuance of any such promise, agreement, covenant, contract, bond, or assurance.

Act not to extend to lawful deputations where payment of principal or deputy is out of the fees.

X. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent or make void any deputation to any office, in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy respectively, out of the fees or profits of such office.

Act not to extend to annual payments out of the fees of any office to any person formerly holding such office.

XI. Provided also, and be it further enacted, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office, in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment: provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted, shall be stated in the commission, patent, warrant, or instrument of appointment of the person so succeeding to and holding such office, and paying or securing such money as aforesaid.

Certain offices in the Chancery in Ireland exempted till after the events herein mentioned.

XII. And whereas the Parliament of Ireland never enacted any provisions similar to those contained in the said recited Act of the fifth and sixth years of King Edward the Sixth: and whereas it hath always been customary in the appointment of the masters and six clerks, and first and second examiners of the Court of Chancery in Ireland, to allow the having and receiving of money, or other valuable consideration, for those appointments; and although it may be fit and proper that the said custom should be abolished, yet it is reasonable that the several and respective persons who now hold the said offices should be permitted to dispose of the same in like manner as hath been heretofore done; be it therefore enacted, that it shall and may be lawful for the said masters and six clerks, and first and second examiner, or any of them, (save and except George Ellis, Esq., one of the masters of the said Court), so to proceed touching the disposition and appointment of their said offices respectively, in such and the like manner, to all intents and purposes, as hath been heretofore accustomed; but that from and after the death, resignation, or removal of each of them, and the actual appointment of any person in the stead of the persons so dying, resigning, or being removed, the powers and provisions of the said recited Act and of this Act shall be applicable and shall be applied to the said respective offices in the said Court of Chancery in Ireland.

Manner of punishing offenders in Scotland.

XIII. Provided always, and be it enacted, that every person who shall commit, in Scotland, any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments, as the judge or judges before whom such offender shall be tried and convicted may direct.

Offences committed abroad shall be tried in King's Bench.

XIV. And be it further enacted, that all offences committed against the provisions of the said recited Act and this Act, by any governor, lieutenant-governor, or person having the chief command, civil or military, in any of his Majesty's dominions, colonies, or plantations,

or his or their secretary or secretaries, may and shall be prosecuted and inquired of, and heard and determined in his Majesty's Court of King's Bench at Westminster, in like manner as any crime, offence, or misdemeanour committed by any person holding a public employment abroad, may be prosecuted and inquired of under the provisions of an Act passed in the forty-second year of the reign of his present Majesty, intituled, "An Act for the trying and punishing in Great Britain Persons holding public employments, for Offences committed abroad;" and for extending the provisions of an Act passed in the twenty-first year of the reign of King James, made for the ease of Justices and others in pleading in suits brought against them, to all persons, either in or out of this kingdom, authorized to commit to safe custody. 42 Geo. 3, c. 85.

Commencement of the Act in certain places abroad.

XV. Provided always, and be it further enacted, that nothing in the said recited Act or this Act contained shall extend, or be construed to extend, to Gibraltar, Malta, or any place or places in the Mediterranean, until three months; or to any of his Majesty's dominions, colonies, or plantations in America or the West-Indies, until four months; or to the Cape of Good Hope, the Island of Saint Helena, or any part of Africa, until six months; or to any of his Majesty's dominions in the East-Indies or beyond the Cape of Good Hope, until twelve months, after the passing of this Act.

---

## 50 GEORGII III. Cap. LXXXVII.

*An Act to amend Two Acts, relating to the raising Men for the Service of the East-India Company, and the Quartering and Billetting such Men; and to Trials by Regimental Courts-Martial.* [15*th June* 1810.]

Whereas an Act passed in the thirty-ninth year of the reign of his present Majesty, intituled, "An Act for the better recruiting the Forces of the East-India Company;" and whereas an Act passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled, "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East-Indies, and for the punishment of Offences committed in the East-Indies or at the Island of Saint Helena:" and whereas it would tend to the more speedy recruiting of the forces of the East-India Company, if men were permitted to enlist for a limited time in the service of the said Company, without engaging to serve in his Majesty's forces; and provision must in such case be made for quartering and billetting the men so raised; and whereas it is also expedient that the provisions of the said recited Act of his late Majesty King George the Second, as to trials by regimental courts-martial, should be amended in relation to the members and witnesses being sworn, as now required on such trials in his Majesty's regular forces; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, to order and cause such of his officers as he shall see fit, to levy, enlist, and raise such number of men, either for life or limited service, as his Majesty shall from time to time think fit, not exceeding the number of men specified in the said recited Act of the thirty-ninth year of the reign of his present Majesty aforesaid, for the special purpose of serving in the East-Indies in the forces of the said United Company only; and the recruits to be raised for such special purpose, instead of taking the oath of fidelity appointed to be 39 Geo. 3, c. 109. 27 Geo. 2, c. 9.

His Majesty may order any of his officers to enlist the number of men specified in recited Act of 39 G. 3, c. 109, to serve in the Company's forces in India for life or a limited time.

taken by the said recited Act of the thirty-ninth year aforesaid, or by any Act in force for the punishment of mutiny and desertion, shall take the oath specified in the Schedule to this Act annexed, marked (A.); and instead of the oath of service prescribed by any Act in force for the punishing of mutiny and desertion, shall take the oath in the Schedule to this Act annexed, marked (B.); which oaths shall be administered by all justices of the peace and magistrates before whom any such recruits shall be carried for the purpose of being attested; and the certificate given upon such attestation shall be in the form in the Schedule to this Act annexed, marked (C.).

Oaths to be taken as in Schedule.

Soldiers to be subject to the Mutiny Act till their embarkation, then to be subject to the recited Act of 27 G. 2, c. 9.

II. And be it further enacted, that all soldiers enlisted into the service of the said United Company of Merchants shall be trained and disciplined and subject to such command and regulations, and at all times and until their embarkation be subject to all the provisions of any Act in force for the punishment of mutiny and desertion, and the better payment of the army and their quarters, and after their embarkation, to the provisions of the said recited Act of the twenty-seventh year aforesaid,(1) in like manner as is prescribed in the said recited Act of the thirty-ninth year aforesaid; and all the powers, authorities, provisions, clauses, rules, regulations and restrictions, penalties, and forfeitures, contained and prescribed in the said recited Act of the thirty-ninth year aforesaid, shall extend and be in full force as to all soldiers enlisted under and after the passing of this Act into the service of the said United Company of Merchants, as fully and effectually, as if the same were severally and respectively repeated and re-enacted in this Act and made part thereof.

(1) [The laws for punishing mutiny and desertion of officers and soldiers in the service of the East-India Company were consolidated in 4 Geo. 4, cap. 81, to the provisions of which such officers and soldiers are, by sec. 47, subjected, from and after their embarkation.]

Powers of Acts relating to quartering, &c. to extend to this Act.

III. And be it further enacted, that all the powers, authorities, provisions, clauses, rules, regulations, and restrictions, and penalties, and forfeitures, contained and prescribed in any Act or Acts of Parliament in force for the time being, in relation to the quartering and billetting and provisioning of, and allowances in respect of such quartering and billetting of soldiers and officers in his Majesty's service, and to the providing of carriages for the use of soldiers, shall, from and after the passing of this Act, extend to all soldiers enlisted for or transferred into the service of the said United Company of Merchants, as fully and effectually as if the same were severally and separately repeated and re-enacted in this Act, and made part thereof; any thing in the said Act of the thirty-ninth year aforesaid, or any other Act or Acts of Parliament to the contrary notwithstanding.

Men may enlist for twelve years, &c.

IV. And whereas it is expedient to allow men to enlist in the service of the said United Company for twelve years; be it therefore enacted, that it shall be lawful for any person enlisting for limited service in the service of the said United Company, to enlist for twelve years, if at the time of such enlisting he shall be of the age of eighteen years and upwards, and if he shall be under eighteen years of age, then for such further period beyond twelve years as shall be equal to the difference between eighteen years and the age of the person so enlisting.

After the expiration of the first period the men may re-enlist.

V. Provided always, and be it further enacted, that it shall be lawful for all persons who shall have been enlisted for limited service in the forces of the said United Company, after the expiration of the first period for which they shall have been severally enlisted, to re-enlist

for such further period as shall be allowed and appointed by any order of the Governor-general in Council in Bengal.

Men serving in the local militia may enlist.

VI. And be it further enacted, that it shall be lawful for any person ballotted or enrolled to serve or serving in the local militia, to enlist or enter into the service of the United Company of merchants trading to the East-Indies, in like manner and at such times as any such person might or may enlist or enter into his Majesty's regular forces.

His Majesty may direct the manner of trials by courts-martial.

VII. And be it further enacted, that all regimental and garrison and other courts-martial which shall be held for the trial of any offences committed by the troops in the service of the said United Company, shall have full power and are hereby authorized and required to take and administer such oaths, and to proceed in such manner in the trial of offences, as his Majesty shall from time to time think fit to order and direct.

The schedules referred to in section 1 here follow, but it is proper to observe that their use is suspended during the continuance of the present Mutiny Act, which directs the forms thereto attached to be used, and no other.

---

*Schedules to which this Act refers.*

SCHEDULE A.

I, *A. B.*, being enlisted to serve in the [infantry or artillery, *as the case may be*] of the East-India Company, do swear, that I will bear true allegiance to our Sovereign Lord King George, and that I will as in duty bound defend him in his person, crown, and dignity, against all his enemies; and I swear, that I will also be true to the said United Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

SCHEDULE B.

I, *A. B.*, do make oath, that I am [*or*, have been, *as the case may be*] [*state occupation, if any, or state if none*] and to the best of my knowledge and belief was born in, [*state county, parish, or place, &c.*] and that I am of the age of ——— years; that I do not belong to the militia, or to any regiment in his Majesty's service, or to his Majesty's navy or marines: and that I will serve the United Company of Merchants of England trading to the East-Indies until I shall be duly and legally discharged, [*or, if the recruit enlists for limited service, then leave out the words scored under, and insert*] for the period of twelve years, [*if the person enlisting is of the age of eighteen years or upwards, but if under eighteen years, then the difference between his age and eighteen to be added to such twelve years, as the case may be, and such period to be inserted instead of twelve years*] provided the said United Company should for so long require my service.

SCHEDULE C.

I, ——— one of his Majesty's Justices of the Peace of ——— [*or*, Chief Magistrate of ———], do hereby certify that ——— appeared to be ——— years old, ——— feet ——— inches high, ——— complexion, ——— eyes, ——— hair, came before me at ——— on the ——— day of ——— and stated himself to be the age of ——— years, and that he had no rupture, and was not troubled with fits, and was no ways disabled, by lameness, deafness, or otherwise, but had the perfect use of his limbs and hearing, and was not an apprentice; and acknowledged that he had voluntarily enlisted himself for the bounty of ——— to serve the United Company of Merchants of England trading to the East-Indies, and did engage to serve for the period of ——— [*this blank to be filled up by the Magistrate, either until discharged, or for years, as in the preceding form of enlisting*]: and I do hereby certify, that in my presence the third and fourth articles of the second section and first article of the sixth section of the Articles of War against mutiny and desertion were read over to him, and he took the oath of fidelity mentioned in the Act of the fiftieth year of his present Majesty, and also the oath above set forth; and that he received the sum of ——— on being attested; and that I have given to the said ——— ——— a duplicate of this certificate signed with my name.

---

## 51 GEORGII III. Cap. LXIV.

AN ACT *to enable the East-India Company to raise a further Sum of Money upon Bond, instead of increasing their Capital Stock; and to alter and amend an Act, passed in the Forty-seventh Year of the Reign of his present Majesty, relative thereto.* [10*th June* 1811.]

37 G. 3, c. 31. Whereas by an Act made in the thirty-seventh year of the reign of his present Majesty, intituled, "An Act to enable the East-India Company to raise Money for further increasing their Capital Stock, and to extend the Provisions now existing respecting the present Stock of the Company to the said increased Stock," after reciting, that the affairs of the United Company of Merchants of England required a permanent advance of a considerable sum of money, beyond what the said Company could raise under the powers then vested in them by law, the said United Company are authorized and empowered to raise money by enlarging their then capital stock or fund of six millions of pounds, to any sum or sums not exceeding the further sum of two millions capital stock, so that their whole capital stock should not

47 G. 3, c. 41. exceed the capital sum of eight millions; and whereas by an Act made in the forty-seventh year of the reign of his said Majesty, intituled, "An Act to enable the East-India Company to raise Money upon Bond, instead of increasing their Capital Stock," the said Company

are authorized to borrow, upon bonds to be issued under their common seal, any sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums of money as the said Company could then lawfully raise on their bonds, and to apply the money so to be borrowed and raised, for such purposes as under and by virtue of the said Act of the thirty-seventh year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company was applicable; and by the said Act of the forty-seventh year of the reign of his said Majesty, it is provided, that when the said Company should have raised any part of the money which they were thereby authorized to raise by bond, then and so long as such further bond debt, or any part thereof should continue, all the money thereafter to be raised by enlarging the capital stock of the said United Company, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his said Majesty, should be applied towards the reduction of the bond debt of the said United Company, until it should be reduced to the sum which the said Company might then lawfully raise by bond; and in case the said Company should enlarge their capital stock, under and by virtue of the said Act passed in the thirty-seventh year of the reign of his present Majesty, before they should have increased their bond debt under the authority of the Act now in recital, that then the sum which they were thereby empowered to raise on bond, should be reduced by the sum of two hundred pounds sterling, in respect of every one hundred pounds capital stock so enlarged, and so on in proportion for a greater or less amount of capital stock which should have been created: and whereas a considerable part of the debt secured by the engagement of the said Company in the East-Indies, and which was incurred by reason of territorial and political expenses in that country, has lately been discharged in India, by means of bills drawn by the Governments of the said Company in the East-Indies upon their Court of Directors in London; and thereby it has become necessary for the said Company to provide in this country a much larger sum of money than in the ordinary course of their transactions can arise from the sales of their goods and the ordinary receipts and means of the said Company; and whereas the said United Company have not yet increased their capital stock, under and by virtue of the powers contained in the said first-mentioned Act; and it is expedient that the power of the said United Company to raise money upon their bonds should be enlarged, so that they may be enabled either to raise a further sum by bond, or by increase of their capital stock; and therefore that the provisions in the said last-recited Act, as to the application of the money to be raised by increasing the capital stock of the said Company, and as to the reduction of the power of the said Company to increase their bond-debt in a certain case, should be repealed, and that other provisions should be made in respect thereof; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said Company, by and with the approbation and consent of the Board of Commissioners for the affairs of India for the time being, at any time or times hereafter, to borrow upon bonds to be issued under their common seal, any further sum or sums of money not exceeding in the whole the sum of two millions sterling, over and above such sum and sums as the said Company can now lawfully raise on their bonds, and to apply the money so to be borrowed and raised for such purposes, as under and by virtue of the said Act of the thirty-seventh

Enabling the Company to borrow a further sum of money upon bonds.

year of the reign of his said Majesty, the money to be raised by enlarging the capital stock of the said Company is applicable; any thing contained in the said recited Act or any other Act notwithstanding.

Repealing part of Act 47 G. 3, c. 41.

II. And be it further enacted, that so much of the said Act of the forty-seventh year of the reign of his present Majesty, as provides that all the money to be raised by enlarging the capital stock of the said Company as therein mentioned, should be applied towards the reduction of the bond debt of the said United Company, until it should be so reduced to the sum which the said Company might then lawfully raise by bond, and as provides that in case the said Company should enlarge their capital stock, then that the sum which they were thereby empowered to raise by bond should be reduced, shall be and the same is hereby repealed.

After raising £4,000,000, Company restrained from raising further money on bond.

III. Provided always, and be it enacted, that when the said United Company shall have raised under and by virtue of the said Act of the thirty-seventh year of the reign of his present Majesty, and of the said Act of the forty-seventh year of the reign of his present Majesty, and of this Act, such sums of money as together shall amount to the sum of four millions sterling, then and from thenceforth it shall not be lawful for the said Company to raise any further sum of money upon bond; and all money which from thenceforth shall be raised by increase of capital stock, under and by virtue of the said first-mentioned Act, shall be applied in discharge of the said bond debt, until the said bond debt, created by virtue of the said Act of the forty-seventh year of the reign of his Majesty, or this Act, together with the money to be raised by increase of capital as aforesaid, shall be reduced to the sum of four millions sterling.

Bonds issued by the Company under their common seal shall be transferable, &c.

IV. And whereas bonds issued under the common seal of the said United Company, for money borrowed by them by virtue of the powers enabling them to borrow money upon bond, have usually been entered into, and have been expressed to have been made payable to the person who for the time being has been the treasurer of the said United Company, or his assigns, and upon his indorsement thereof, they have been sold and passed from one person to another, by delivery of the possession thereof; and it is expedient that a legal effect should be given to such mode of transfer of the property in the said bonds, and the money secured thereby; be it therefore further enacted, that all bonds issued, or to be issued, under the common seal of the said United Company, by virtue of any power by which they have been, are, or hereafter may be authorized to borrow money upon their bonds, shall be assignable and transferable by delivery of the possession thereof; and upon every such assignment or transfer, the money secured by the bond so assigned or transferred, and due, and to become due thereon, and the property in such bond shall be absolutely vested as well at law as in equity, in the person or persons, body or bodies politic and corporate, to whom the same shall be so assigned or transferred, and the person or persons, body or bodies politic and corporate, to whom any such bond shall be so assigned and transferred, and his, her, and their executors, administrators, and successors respectively, shall and may maintain his, her, or their action for the principal and interest secured thereby, and due thereon, or otherwise relating thereto, in like manner as the obligee or obligees named in any such bond, or his, her, or their executors, administrators, or successors, may now maintain any action thereon; and in every such action the plaintiff or plaintiffs shall recover his, her, or their debts, damages, and costs of

suit; and if any such plaintiff or plaintiffs shall be nonsuited, or a verdict be given against him, her, or them, the defendant or defendants shall recover his, her, or their costs against the plaintiff or plaintiffs, and every such plaintiff or plaintiffs, defendant or defendants respectively recovering, may sue out execution for such debt, damages, and costs by *capias*, *fieri facias*, or *elegit*.

V. And be it further enacted, that this Act shall be deemed and taken to be a public Act and shall be judiciously taken notice of as such by all judges, justices, and others, without being specially pleaded. Public Act.

For other enactments respecting the bond debt, see note on 34 Geo. 3, cap. 41.

---

## 51 GEORGII III. Cap. LXXV.

AN ACT *for making further Provision for the Payment of Salaries and other Charges in the Office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the Service of the said Company, Military Officers removed therefrom by Sentences of Courts-Martial; and to authorize the said Company, in cases of unforeseen emergency, to take up Ships by private Contract.* [15*th June* 1811.]

Whereas by an Act passed in the thirty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," it was among other things enacted, that it should be lawful for his Majesty, his heirs or successors, by any letters patent, or by any commission or commissions, to be issued under the great seal of Great Britain, from time to time to nominate, constitute, and appoint, during his or their pleasure, such members of the Privy Council (of whom the two principal Secretaries of State and the Chancellor of the Exchequer for the time being should always be three), and such other two persons as his Majesty, his heirs, or successors, should think fit, to be and who should accordingly be and be styled Commissioners for the Affairs of India; and it was in and by the said Act also enacted, that the said Board of Commissioners should and might nominate and appoint such secretaries and officers as should be necessary to attend upon the said Board, who should be subject to dismission at the pleasure of the said Board; and that as well the said Commissioners, or such and so many of them as his Majesty should think fit, as likewise their 33 G. 3, c. 52.

secretaries and other officers, should be paid such fixed salaries as his Majesty should by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct; all which salaries, together with all other contingent charges and expenses to be incurred by the said Board, should be paid and defrayed quarterly by the United Company of Merchants of England trading to the East-Indies, and be deemed and taken as part of their commercial charges, the quarterly amount thereof being first settled and allowed by the said Board, and certified by the president or acting president of the said Board for the time being, to the Court of Directors of the said Company; provided that the whole of the salaries to be paid to the members of the said Board should not exceed the sum of five thousand pounds in any one year; and that the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members of the said Board, should not exceed the sum of eleven thousand pounds in any one year: and whereas it is reasonable that a more ample allowance should be made for the said salaries, charges, and expenses: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that so much of the said Act as limits the whole of the salaries to be paid to the members of the said Board, to the sum of five thousand pounds in any one year, and the whole of the salaries, charges, and expenses of the said Board, exclusive of the salaries of the members thereof, to the sum of eleven thousand pounds in any one year, shall be, and the same is hereby repealed. (1)

So much of Act as limits the salaries and expenses, repealed.

(1) [For the present constitution of the Board of Commissioners, see 3 & 4 Wm. 4, cap. 85, sec. 19 and 20. By section 23 two secretaries and other officers are to be appointed and paid; but no Commissioner, excepting the President, is to receive any salary in virtue of his office of Commissioner. By 53 Geo. 3, cap. 155, sec. 90, the expenses of the Board are limited to £26,000 per annum; and the 3 & 4 Wm. 4, cap. 85, sec. 110, restrains the Board from increasing the amount. The same Act, sec. 6, provides for extraordinary expenses occasioned by the suspension of the Company's trade.]

So much of 50 G. 3, c. 117, as directs accounts of increase and diminution of salaries, &c. to be laid before Parliament, shall extend to the office of the Commissioners for the affairs of India.

III. And be it further enacted, that so much of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of Increase and Diminution of Public Salaries, Pensions, and Allowances, shall be annually laid before Parliament, and to regulate and control the granting and paying of such Salaries, Pensions, and Allowances," as directs that between the first day of February and the twenty-fifth day of March in every year, if Parliament shall be sitting during any part of such period; or if Parliament shall not be sitting during any part of such period, then within forty days after the commencement of the session of Parliament in such year, there shall be laid before both Houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the first day of January, in the number of persons employed in all public offices or departments, or in the salaries, emoluments, allowances, and

expenses which may have taken place, or been paid, granted, received, or incurred for and in respect of all officers and persons belonging to or employed in or by, or in the service of all public offices or departments, specifying the amount and nature thereof, and distinguishing in such account every increase and diminution in the amount of all allowances or compensations granted or allowed, as retired allowances or superannuations, to any person or persons having held any office, place, or employment in any such public office or department; or having been employed in any manner in any public services under any such office or department; and specifying in every such account the time and length of service of every such person, and the amount of the salary or allowances received by such person immediately preceding such superannuation, and the nature of his services; and also specifying in every such account the grounds upon which every such increase or diminution in the establishment of any such public office or department, or of any such salary, emolument, allowance, or compensation, or superannuation as aforesaid, shall have been made, granted, or allowed, shall extend, and be construed to extend, to the office of the Commissioners for the affairs of India.

East-India Company may restore to their service military officers removed therefrom by sentences of courts-martial;

IV. And whereas it was in and by the said Act of the thirty-third year of his present Majesty's reign also enacted, that after sentence or judgment of any Court, having competent jurisdiction, whether in Great Britain or in India, against any Governor-general, Governor, President, Counsellor, or Commander-in-chief, or against any of the said United Company's servants, civil or military, for any debts or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it should not be lawful for the said United Company, in any case whatever, to release or compound such sentence or judgment, or to restore any servant or servants of the said Company who should have been removed or dismissed from his or their office or employment, for or on account of misbehaviour, by the sentence of any of the said Courts: and whereas doubts have arisen whether military officers may be restored to the service of the said United Company, who may have been removed therefrom by sentences of courts-martial; be it therefore enacted and declared, that it was and is lawful for the Court of Directors of the said United Company, to restore to the service of the said Company any military officer who shallhave been or shall be dismissed or suspended therefrom by the sentence of a court-martial.

with consent of the Board of Commissioners.

V. Provided always, and be it enacted, that from and after the passing of this Act, no such restoration shall be in anywise valid or effectual, without the approbation and consent of the Board of Commissioners for the affairs of India, for that purpose had and obtained.(1.)

(1) [By 53 Geo. 3, cap. 155, sec. 83, the control of the Board is extended to the restoration of any servant, civil or military, who may have been suspended or removed by any of the local Governments.]

## 52 GEORGII III. Cap. CXXI.

*An Act to authorize the Transfer, to the East-Indies, of Debts originally contracted there, on the Part of the East-India Company, payable in England.*

[13*th July* 1812.]

Whereas sundry bills of exchange have been heretofore drawn upon the Court of Directors of the United Company of Merchants of England trading to the East-Indies, for several sums of money payable in London, in discharge of debts contracted on the part of the said United Company in the East-Indies; and by agreements made in London between the said Court of Directors and the persons entitled to the money secured by such bills, the money so secured has been re-transferred to the East-Indies, to be invested by way of loan to the said United Company, there to bear interest, after an Indian rate; and it may be convenient that similar agreements for the re-transfer to the East-Indies of other sums of money, payable or to be payable in London, should be made or entered into, and that the interest which may be to be considered as due at the time of entering into such agreements should be advanced here; and it is expedient, that all doubts as to the validity of such agreements and payments should be removed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all such agreements heretofore made or hereafter to be made for the re-transfer from London to the East-Indies of sums of money, to be invested by way of loan to the said United Company in the East-Indies, there to bear interest after an Indian rate, and all obligations and securities entered into or to be entered into for the payment of any such sums of money or interest thereof, shall be valid and effectual in law, according to the true intent and meaning thereof, and of the parties to the same; and no person or persons shall be liable to any penalty or forfeiture for any thing done or to be done in consequence of any such agreement; any law, usage, or statute to the contrary thereof in anywise notwithstanding.

Agreements heretofore made or to be made for the re-transfer from London to the East-Indies of sums of money shall be valid.

---

## 52 GEORGII III. Cap. CXXII.

*An Act to remove Doubts as to an Act passed in the Fiftieth Year of the Reign of his present Majesty, relating to raising Men for the Service of the East-India Company.*

[13*th July* 1812.]

Whereas an Act passed in the fiftieth year of the reign of his present Majesty, intituled, "An Act to amend Two Acts relating to the raising Men for the Service of the East-India

50 G. 3, c. 87.

Company, and the quartering and billetting such Men, and to Trials by Regimental Courts-Martial:" and whereas doubts have arisen as to whether the provisions of the said Act extend to Ireland; and it is expedient that such doubts should be removed: may it therefore please your Majesty that it may be enacted, and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Act, and all the provisions thereof shall, from the passing thereof, extend and be deemed and construed to extend to that part of the United Kingdom called Ireland, and all other the dominions and territories of his Majesty; anything in any Act or Acts to the contrary notwithstanding.

Recited Act extended to Ireland.

---

## 53 GEORGII III. Cap. CXV

AN ACT *to insure the proper and careful Manufacturing of Fire-Arms in England; and for making Provision for proving the Barrels of such Fire-Arms.*

[10*th July* 1813.]

III. Provided always, and be it further enacted and declared, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland, (except as to the forging marks as in this Act after mentioned), or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company.

Not to extend to Scotland or Ireland, to arms for military service, or for East-India Company.

---

## 53 GEORGII III. Cap. CLV.

AN ACT *for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter.*

[21*st July* 1813.]

Whereas by an Act of the Parliament of Great Britain, passed in the thirty-third year of his present Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under

33 G. 3, c. 52.

certain limitations, and for other purposes, the possession and government of the British territories in India, together with an exclusive trade in, to, and from the East-Indies, and other
9 & 10 Wm. 3, c. 44. the limits described in an Act made in the ninth year of the reign of King William the Third, or in a certain Charter of the fifth day of September, in the tenth year of the same King, were continued in the United Company of Merchants of England trading to the East-Indies, for a term thereby limited, under certain regulations and conditions; and whereas
33 G. 3, c. 31. by an Act of the Parliament of Ireland, passed in the same thirty-third year of his present Majesty's reign, for regulating the trade of Ireland to and from the East-Indies under certain conditions and provisions, for a time therein mentioned, the exclusive privileges granted to the said United Company by the said Act of the Parliament of Great Britain were confirmed, subject to certain conditions and restrictions; and whereas it is expedient that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, together with such other territorial acquisitions on the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession and under the government of the said United Company, with the revenues thereof, should, without prejudice to the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the same, or to any claim of the said United Company to any rights, franchises, or immunites, remain in the possession and under the government of the said United Company for a further term; subject to such powers and authorities for the superintendance, direction, and control over all acts, operations, and concerns, which relate to the civil or military government or revenues of the said territories, and to such further or other powers, authorities, rules, regulations, and restrictions, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act; and whereas it is expedient that from and after the tenth day of April one thousand eight hundred and fourteen, the right of trading, trafficing, and adventuring, in, to, and from, all ports and places within the limits of the said United Company's present Charter, save and except the dominions of the Emperor of China, should be open to all his Majesty's subjects, in common with the said United Company, subject to certain regulations and provisions; but that the existing restraints respecting the commercial intercourse with China should be continued, and the exclusive trade in tea preserved to the said Company, during the further term hereby limited: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the territorial acquisitions mentioned in the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty, together with such of the territorial acquisitions since obtained upon the continent of Asia, or in any islands situate to the north of the Equator, as are now in the possession of and under the government of the said United Company, with the revenues thereof respectively, shall remain and continue in the possession and under the government of the said United Company, subject to such powers and authorities for the superintendance, direction, and control over all acts, operations, and concerns which relate to the civil or military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulations, and restrictions, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made and provided by this Act, for a further

Former territorial acquisitions in India, with late acquisitions on the continent of Asia, or in any island north of the Equator, to continue in the government of the East-India Company for a further term.

term, to be computed from the said tenth day of April one thousand eight hundred and fourteen, until the same shall be determined by virtue of the proviso herein-after contained.

Exclusive trade with China, and trade in tea; and provisions of former Acts not repealed by or repugnant to this Act, continued during further term.

II. And be it further enacted, that the sole and exclusive right of trading, trafficing, and using the business of merchandize in, to, and from the dominions of the Emperor of China, and the whole, sole, and exclusive right of trading and trafficing in tea, in, to, and from all islands, forts, havens, coasts, cities, towns and places, between the Cape of Good Hope and the Straits of Magellan (1), in such manner as the same rights now are or lawfully may be exercised or enjoyed by the said United Company, by virtue of any Act or Charter now in force, but not further or otherwise; and all and singular the profits, benefits, advantages, privileges, franchises, abilities, capacities, powers, authorities, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters and things whatsoever, granted to or vested in the said Company by the said Acts of the thirty-third year of his present Majesty or either of them, for and during the term limited by the said Act of the Parliament of Great Britain, and all other the enactments, provisions, matters and things contained in the said Acts of the thirty-third year of his present Majesty, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited, to continue for and during the term granted to the said Company by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, so far as the same or any of them are in force, and not repealed by or repugnant to this Act, shall continue and be in force during the further term hereby granted to the said Company; subject to such alterations therein as may be made by any of the enactments, provisions, matters, and things in this Act contained.

(1) [The trade with China was thrown open by 3 & 4 Wm. 4, cap. 93. The 3 & 4 Wm. 4, cap. 85, suspended the Company's right to all trade except for the purposes of government.]

Section 3 contains a proviso for the determination of the exclusive trade.

Not to determine the corporation of the Company or their right to trade in common with others.

IV. Provided also, that nothing in the said proviso last herein-before contained, or in any proviso in the said Act of the ninth year of King William the Third, or in the said Charter of the fifth day of September in the tenth year of his reign, or in any other Act or Charter contained, shall extend, or be construed to extend, to determine the corporation of the said United Company, or to hinder, prevent, or preclude the said Company or their successors, from carrying on at all times after such determination of their exclusive trade as aforesaid, a free trade in, to, and from the East-Indies, and limits in the said last-mentioned Act or Charter contained, with all or any part of their joint stock in trade, goods, merchandizes, estates and effects, in common with other the subjects of his Majesty, his heirs, and successors, trading to, in, and from the said parts or limits.(1)

(1) [Right to trade suspended by 3 & 4 Wm. 4, cap. 85.]

The 5th section provides for giving notice of the termination of the exclusive trade. Sections 6 to 20 relate to the trade, then first opened, to be carried on by other parties than the East-India Company, within the limits of the Charter, under certain restrictions; but these sections were all repealed by the Consolidation Act, 4 Geo. 4, cap. 80; and by 3 & 4 Wm. 4, cap. 93, the trade was altogether thrown open. Section 21 repeals so much of 31 Geo. 3, cap. 42, as required the Company to provide certain quantities of saltpetre. Section 22 repeals so much of 9 Wm. 3, cap. 44, as required the Company's goods to be sold by inch of candle. Section 23 repeals so much of 33 Geo. 3, cap. 52, as required the Court of Directors to lay before the Commissioners certain papers relating to cordage, tonnage, freight, registering, and licences; and also so much as required some of the ships of the Company to touch at Cork. Section 24, in reference to the trade of the Company, subjected their goods to the same duties as private goods.

No duties imposed in India to be valid till sanctioned by the Directors, and approved by the Board of Control.

XXV. And be it further enacted, that no new or additional imposition of any duty or tax upon the export, import, or transit of any goods, wares, or merchandize whatsoever, made or to be made by authority of the Governor-general or Governor in Council, of any of the said Company's Presidencies, or settlements in the East-Indies, or parts aforesaid, shall be valid or effectual, until the same shall have been sanctioned by the Court of Directors of the said United Company, with the approbation of the said Board of Commissioners; which sanction and approbation shall be signified to the said governments respectively by some public dispatch from the said Court of Directors, describing each regulation for the purposes aforesaid, which shall be so sanctioned and approved by its title at full length, and expressing that the same is so sanctioned and approved; and all such regulations, when promulgated in the East-Indies by the said governments, shall contain express mention that the same are made with the sanction of the said Court of Directors, and with the approbation of the said Board of Commissioners for the affairs of India; and such mention shall be taken as conclusive evidence of such sanction and approbation in all Courts of Justice.

Section 26 repealed a duty on private trade previously enjoyed by the Company. Section 27 established certain exceptions tothe repeal. Sections 28 and 29 provided for the payment of the rates of the East-India Dock Company. Sections 30 and 31 provided for the employment by the Company and private traders of India-built ships for a

limited period. Section 32, relating to ships engaged in the South Sea whale fishery, was repealed by 4 Geo. 4, cap. 80.

XXXIII. And whereas it is the duty of this country to promote the interest and happiness of the native inhabitants of the British dominions in India; and such measures ought to be adopted as may tend to the introduction among them of useful knowledge, and of religious and moral improvement: and in furtherance of the above objects, sufficient facilities ought to be afforded by law to persons desirous of going to and remaining in India, for the purpose of accomplishing those benevolent designs, so as the authority of the local governments respecting the intercourse of Europeans with the interior of the country be preserved, and the principles of the British Government, on which the natives of India have hitherto relied for the free exercise of their religion, be inviolably maintained: and whereas it is expedient to make provision for granting permission to persons desirous of going to and remaining in India for the above purposes, and also to persons desirous of going to and remaining there for other lawful purposes; be it therefore enacted, that when and as often as any application shall be made to the said Court of Directors, for or on behalf of any person or persons desirous of proceeding to the East-Indies for permission so to do, the said Court shall, unless they shall think fit to comply therewith, transmit every such application within one month from the receipt thereof to the Board of Commissioners for the affairs of India; and in case the said Commissioners shall not see any sufficient objection thereto, it shall and may be lawful for the said Commissioners to direct that such person or persons shall, at his or their own special charge, be permitted to proceed to any of the said principal settlements of the said Company, and that such person or persons shall be furnished by the said Court of Directors with a certificate or certificates according to such form as the said Commissioners shall prescribe, signifying that such person or persons hath or have so proceeded with the cognizance and under the sanction of the said Court of Directors; and that all such certificates shall entitle the persons obtaining the same, so long as they shall properly conduct themselves, to the countenance and protection of the several governments of the said Company in the East-Indies and parts aforesaid, in their respective pursuits, subject to all such provisions and restrictions as are now in force, or may hereafter be judged necessary, with regard to persons residing in India.

When the Court of Directors refuse permission to any persons to proceed to the East-Indies, the applications to be transmitted to the Board, who may direct certificates to be granted by the Directors, authorizing such persons to proceed to any of the principal settlements.

XXXIV. Provided always, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Court of Directors from offering such representations to the said Board of Commissioners, respecting persons so applying for permission to proceed to the East-Indies, as the said Court of Directors may at any time think fit.

Directors may make representations thereon to the Board.

Sections 33 and 34 can now only be applicable to those parts of India not opened to general access by 3 & 4 Wm. 4, cap. 85, sec. 81, or under the provision of section 83. On illicit entrance or residence see sections 82 and 84 of that Act.

All persons to be subject to the regulations of the local Governments.

XXXV. Provided also, and be it further enacted, that all persons who shall proceed to the East-Indies, shall, upon their arrival at any place within the limits of the said United Company's government, be subject to all such rules and regulations as now are, or hereafter may be, in force within those limits.

Governments in India may declare certificates and licences to be void if it shall appear to them that the persons, to whom granted, have forfeited their claim to protection.

XXXVI. Provided also, and be it further enacted, that if any person having obtained a certificate or licence from the said Court of Directors, authorizing such person to proceed to the East-Indies, shall at any time so conduct himself as in the judgment of the Governor-general, or Governor of the Presidency within which such person shall be found, to have forfeited his claim to the countenance and protection of the government of such Presidency, it shall and may be lawful for such Governor-general, or Governor, by order, to declare that the certificate or licence so obtained by such person, shall be void from a day to be named in such order; and from and after such a day so to be named in such order, such person shall be deemed and taken to be a person residing and being in the East-Indies without license or authority for that purpose, and may be sent forthwith to the United Kingdom; any matter or thing whatsoever to the contrary notwithstanding: provided nevertheless, that no person whose certificate or licence shall have been so vacated by order of any of the governments of the said Company as aforesaid, shall be subject or liable to any prosecution for residing or being found in the East-Indies without licence or authority for that purpose, until two months after notice of such order shall have been given to such person, by delivery to such person of a copy thereof, or by leaving the same at the last place of abode of such person, or by publication of such order in the *Gazette* of the Presidency where such order shall be made.(1.)

Persons not to be prosecuted for residing without a licence, until two months after notice.

(1) [This must be construed in connection with 3 & 4 Wm. 4, cap. 85, sec. 81, 82, 83, and 84.]

Governments in India not to sanction the residence of his Majesty's subjects without the authority of the Directors, except under special circumstances.

XXXVII. And be it further enacted, that it shall not be lawful for any of the governments of the said Company at their several Presidencies, to license or otherwise authorize the residence at any place or places within the limits of the said Company's governments of any subject of his Majesty, who shall go thereto after the tenth day of April one thousand eight hundred and fourteen, unless such person shall have been previously furnished with a license or certificate from the Court of Directors of the said Company, or have otherwise been authorized by law to reside within the said limits: provided, nevertheless, that any Governor-general or Governor of any of the said Presidencies, for extraordinary reasons to be entered upon the minutes of Council, may authorize by special license the residence of any subject of his Majesty in any place or places under the government of such Presidency, until the pleasure of the said Court of Directors shall be known in that behalf: and that such special license shall be deemed and taken to be of the same force and effect as a license of and from the said Court of Directors, until notice of the pleasure of the said Court to the contrary shall have been given to such person, by delivery thereof to such person, or by leaving the same at his last place of abode, or by publication thereof in the *Gazette* of the Presidency by which such

special license shall have been granted; provided that a copy of such license, and of the reasons for granting the same, accompanied with an application for a license from the said Court of Directors, shall be transmitted to the said Court of Directors forthwith after the granting thereof. (1)

(1) [See note on sec. 36.]

Sections 38 and 39 provided for the residence of persons with or without license within certain limits; but they are superseded by the enactments of 3 & 4 Wm. 4, cap. 85 and cap. 93. The 40th and 41st sections, relating to the private trade within the limits of the Company's Charter, were repealed by 4 Geo. 4, cap. 80.

Colleges and seminaries abroad to be subject to the control of the Board.

XLII. And be it further enacted, that the said Board of Commissioners for the affairs of India, by force and virtue of this Act, shall have and be invested with full power and authority to superintend, direct, and control all orders and instructions whatsoever, which in anywise relate to or concern any rules, regulations, or establishments whatsoever, of the several colleges established by the said Company at Calcutta or Fort Saint George, or of any seminaries which may be established under the authority of any of the governments of the said Company, in the same manner, to all intents and purposes, and under and subject to all such and the like regulations and provisions, as if such orders and instructions immediately related to and concerned the government and revenues of the said territorial acquisitions in the East-Indies.

Provision for schools, public lectures, or other literary institutions, for the benefit of the natives, to be regulated by Governor-general in Council, subject to control of the Board; but appointments to offices therein to be made by the local Governments.

XLIII. And be it further enacted, that it shall be lawful for the Governor-general in Council to direct, that out of any surplus which may remain of the rents, revenues, and profits, arising from the said territorial acquisitions, after defraying the expenses of the military, civil, and commercial establishments, and paying the interest of the debt, in manner herein-after provided, a sum of not less than one lack of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India; and that any schools, public lectures, or other institutions, for the purposes aforesaid, which shall be founded at the Presidencies of Fort William, Fort Saint George, or Bombay, or in any other parts of the British territories in India, in virtue of this Act, shall be governed by such regulations as may from time to time be made by the said Governor-general in Council; subject nevertheless to such powers as are herein vested in the said Board of Commissioners for the affairs of India, respecting colleges and seminaries: provided always, that all appointments to offices in such schools, lectureships, and other institutions, shall be made by or under the authority of the Governments within which the same shall be situated.

College and military seminary in England to be continued; and the Directors, with the approbation of the Board, to make rules and regulations for the same.

XLIV. And whereas the said United Company have lately established, in England, a College for the appropriate education of young men designed for their civil service in India, and also a Military Seminary for the appropriate education of young men designed for their military service in India: and whereas it is expedient that the said College and Military Seminary should be further continued and maintained, and that proper rules and regulations should be constituted and established by authority of law, for the good government of the said College and Military Seminary respectively; be it therefore enacted, that the said College and Military Seminary shall be continued and maintained by the said United Company during the further term hereby granted to the said Company; and that it shall and may be lawful for the said Court of Directors, and they are hereby required forthwith, after the passing of this Act, to frame such rules and regulations for the good government of the said College and Military Seminary respectively, as in their judgment shall appear best adapted to the purposes aforesaid; and to lay the same before the Board of Commissioners for the affairs of India, for their revisal and approbation, who shall thereupon proceed to consider the same, and shall and may make such alterations therein and additions thereto as they shall think fit; nevertheless, all such rules and regulations shall and may be subject to such future revision and alteration by the said Court of Directors, with the approbation of the said Board, as circumstances may from time to time require in that behalf; and all such rules and regulations, so framed, approved, revised, or altered, shall be deemed and taken to be good and valid in law, and shall be binding and effectual upon all persons, and in all matters belonging or relating to the said College and Military Seminary respectively; any law, Charter, or other matter or thing to the contrary notwithstanding: provided always, that nothing herein contained shall prevent the said Court of Directors from making such representation, with respect to any alterations in or additions to such rules and regulations which may be made by the said Board of Commissioners, as the said Court of Directors shall at any time think fit.(1)

Directors may make representations respecting alterations or additions by the Board.

(1) [By 7 Wm. 4, and 1 Vic. cap. 70, the Board were to appoint examiners of candidates for admission to the College, when the fourfold system of nomination was suspended. By 1 & 2 Vic. cap. 22, the Board, without reference to such suspension, are empowered to make rules for the government of the College, which are to be submitted for her Majesty's approbation, to be signified by an Order in Council. Notice of such rules is to be given to the Court of Directors twenty-one days previously to their being submitted for the royal approbation.]

Bishop of London to exercise visitatorial jurisdiction.

XLV. And be it further enacted, that from and after the passing of this Act, it shall and may be lawful for the Lord Bishop of London for the time being to have and exercise, and he is hereby authorized and empowered to have and exercise such visitatorial power and jurisdiction over all such persons, matters, and things belonging or relating to the said College, and in such manner as shall be appointed and established by the said rules and regulations of

the said College in that behalf; any matter or thing whatsoever to the contrary notwithstanding.

No person to be appointed a writer, unless he shall have kept four terms at the College, and shall produce a certificate of conformity to the rules.

XLVI. And be it further enacted, that it shall not be lawful for the said Court of Directors to nominate, appoint, or send to the Presidencies of Fort William, Fort Saint George, or Bombay, any person in the capacity of a writer, unless such person shall have been duly entered at such College, and have resided there four terms,(1) according to the rules and regulations thereof; and shall also produce to the said Court of Directors, a certificate under the hand of the Principal of the said College, testifying that he has, for the space of four terms, been a member of and duly conformed himself to the rules and regulations of the said College.

(1) [The 1 Vic. cap. 22, sec. 1, empowers the Board to make rules for the government of the College, and sec. 2 enacts that it shall be lawful for the Court of Directors to send out as writers persons who have resided the number of terms prescribed by such rules, and who shall produce the required certificate.]

Establishment of officers in the College and Military Seminary, to be subject to the control of the Board.

XLVII. And be it further enacted, that no order for the establishment of any office, or the appointment of any person to fill the situation of Principal at the said College, or Head Master of the Military Seminary, shall be valid or effectual, until the same shall have been approved by the said Board of Commissioners for the affairs of India.(1)

(1) [Extended by 3 & 4 Wm. 4, cap. 85, sec. 108, to appointments of professors and teachers at the College.]

Principal and professors exempted from parochial residence.

XLVIII. And whereas for the due performance of the public duties of religion at the said College, as well for the maintenance of sound learning and religious education, it is expedient that the Principal and some of the professors of the said College should be clergymen of the established church: and whereas it may be expected, that among clergymen best qualified for such situations, from their character and attainments, some may be possessed of benefices in the church; be it enacted, that every spiritual person holding the situation of principal or professor in the said College, and actually performing the duties of the same, shall be and he is hereby exempted from residence on any benefice of which he may be possessed, in the same manner as the spiritual persons specified in an Act passed in the forty-third year of his present Majesty's reign, intituled, "An Act to amend the Laws relating to Spiritual Persons holding of Farms, and for enforcing the Residence of Spiritual Persons on their Benefices in England," are by the said Act exempted from residence on their respective benefices; any Act, matter, or thing, to the contrary notwithstanding.(1)

43 Geo. 3, c. 84.

(1) [This exemption is confirmed by 1 & 2 Vic. cap. 106, sec. 37, as to any spiritual person having been appointed Principal or Professor before the passing of that Act, and not having more than one benefice with cure of souls.]

If a bishop and three archdeacons shall be established in India by his Majesty's royal letters patent,

XLIX. And whereas no sufficient provision hath hitherto been made for the maintenance and support of a church establishment in the British territories in the East-Indies and other parts within the limits of the said Company's Charter, be it therefore enacted, that in case it shall please his Majesty, by his royal letters patent under the great seal of the said United Kingdom, to erect, found, and constitute, one bishoprick for the whole of the said British territories in the East-Indies, and parts aforesaid; one archdeaconry for the presidency of Fort William in Bengal; one archdeaconry for the presidency of Fort Saint George on the coast of Coromandel; and one archdeaconry for the presidency and island of Bombay, on the coast of Malabar; and from time to time to nominate and appoint a bishop and archdeacons to such bishoprick and archdeaconries respectively; the Court of Directors of the said Company, during such time as the said territorial acquisitions shall remain in the possession of the said Company, shall, and they are hereby required to direct and cause to be paid, certain established salaries to such bishop and archdeacons respectively; that is to say, from and out of the revenues of the said presidency of Fort William in Bengal to the said bishop, five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee; and to the said archdeacon of the said presidency of Fort William, two thousand pounds by the year, at the like exchange; and from and out of the revenues of the presidency of Fort Saint George, on the coast of Coromandel, to the archdeacon of the said presidency of Fort Saint George, two thousand pounds by the year, at an exchange of eight shillings for the pagoda at Madras; and from and out of the revenues of the presidency and island of Bombay, on the coast of Malabar, to the archdeacon of the said presidency and island of Bombay, two thousand pounds by the year, at an exchange of two shillings and three-pence for the Bombay rupee.(1)

their salaries to be paid by the Company.

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 101, no Archdeacon thereafter appointed is to receive, in respect of his archdeaconry, any salary exceeding 3,000 sicca rupees per annum.]

Salaries to commence on taking office, and to cease when functions cease.

L. And be it further enacted, that the said salaries shall take place and commence from and after the time at which such persons as shall be appointed to the said offices respectively, shall take upon them the execution of their respective offices; and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken, in any manner or on any account or pretence whatsoever, other than the salaries aforesaid: and that such bishop and archdeacons respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the East-Indies or parts aforesaid, and no longer.

Bishop to have no jurisdiction or functions, except such as may be limited by letters patent.

LI. Provided always, and be it further enacted, that such bishop shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the East-Indies or elsewhere, but only such jurisdiction(1) and functions as shall or may from time to time be limited to him by his Majesty by letters patent under the great seal of the United Kingdom.

(1) [See 3 & 4 Wm. 4, cap. 85, sec. 94.]

His Majesty may grant to the bishop by letters patent, such ec-

LII. And be it further enacted, that it shall and may be lawful for his Majesty, from time to time, if he shall think fit, by his letters patent under the great seal of the said

United Kingdom, to grant to such bishop so to be nominated and appointed as aforesaid, such ecclesiastical jurisdiction, and the exercise of such episcopal functions, within the East-Indies and parts aforesaid, as his Majesty shall think necessary for the administering holy ceremonies, and for the superintendence and good government of the ministers of the church establishment within the East-Indies and parts aforesaid; any law, Charter, or other matter or thing to the contrary notwithstanding.

clesiastical jurisdiction as he may think necessary.

LIII. And be it further enacted, that when and as often as it shall please his Majesty to issue any letters patent respecting any such bishoprick or archdeaconry as aforesaid, or for the nomination or appointment of any person thereto, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the affairs of India.

Warrant for letters patent to be countersigned by the President of the Board.

The 54th section, relating to pensions to be granted to the bishop and archdeacons after a certain period of residence, is repealed by 4 Geo. 4, cap. 7, sec. 2. Sections 55 to 60 relate to the appropriation of the funds of the Company, and are superseded by 3 & 4 Wm. 4, cap. 85, sec. 17.

LXI. And be it further enacted, that so much of the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, as relates to the payment of a sum, not exceeding five hundred thousand pounds in every year, into the receipt of his Majesty's Exchequer, to be applied as Parliament shall direct, or to the recovery from the said United Company, or their successors, by action or otherwise, of such money, in case of failure of the said United Company or their successors, in any payment thereof, or to the payment into the Bank of England, of money to be placed to the account of the Commissioners appointed by the Act passed in the twenty-sixth year of his Majesty's reign, intituled, "An Act for vesting certain Sums in Commissioners at the End of every Quarter of a Year, to be by them applied in Reduction of the National Debt," or to an account to be raised and kept by the Governor and Company of the Bank of England, to be intituled, "The Account of the Guarantee Fund of the United Company of Merchants of England trading to the East-Indies," or to the said guarantee fund, or to an account to be made by the said Governor and Company of the Bank of England, of or relating thereto, shall be and the same is hereby repealed.

So much of 33 G. 3, c. 52, as relates to the payment of a sum into the Exchequer, the recovery thereof, or to the payment into the Bank, repealed.

26 G. 3, c. 31.

Section 62 has reference to the payment of a dividend on the Company's capital stock, and is no longer in force.

LXIII. And be it further enacted, that so much of the said Act of the thirty-seventh year of his present Majesty as directs that the said dividend of ten shillings per centum per annum upon the increased stock, to be raised by virtue of the said last-mentioned Act, shall be paid out of the annual profits of the said Company, shall be, and the same is hereby repealed.

37 G. 3, c 31, s. 9, repealed.

Sections 64 and 65 prescribe a separation of accounts in reference to the now obsolete distinction between territory and commerce.

Copies of regulations abroad, made under 37 G. 3, c. 142; 39 & 40 G. 3, c. 79; and 47 G. 3, sess. 2, c. 68; to be laid annually with accounts before Parliament.

LXVI. And be it further enacted, that from and after the passing of this Act, the said Court of Directors shall annually lay before both Houses of Parliament, together with the accounts directed by the said Act of the Parliament of Great Britain of the thirty-third year of his Majesty's reign, and by this Act, to be laid before the said Houses by the said Court one copy of all the regulations made by their several governments in India,(1) and transmitted to them under and in pursuance of an Act made in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay," and for preventing British Subjects from being concerned in Loans to the Native Princes in India;" and also of a certain other Act, made in the thirty-ninth and fortieth year of his said Majesty, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same;" and also of a certain other Act, made in the forty-seventh year of his Majesty's reign, intituled, "An Act for the better Government of the Settlements of Fort Saint George and Bombay, for the Regulation of Public Banks; and for amending so much of an Act, passed in the thirty-third year of his present Majesty, as relates to the periods at which the Civil Servants of the East-India Company may be employed in their Service abroad."(2)

(1) [By 3 & 4 Wm. 4, cap. 85, the Government of India alone has the power of legislation.]

(2) This enactment is substantially continued by 3 & 4 Wm. 4, cap. 85, sec. 51.]

The 67th section refers to arrangements connected with the distinction no longer existing between territory and commerce. The object of the 68th, 69th, and 70th, was to give the Board information and power of control in cases of mixed territorial and commercial transactions. Such transactions can no longer occur, and the controlling power of the Board is now general.

Instead of being limited to fourteen days, Board to return proposed dispatches within two months.

33 G. 3, c. 52.

LXXI. And whereas it is provided by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that copies of all orders and instructions which the Court of Directors or any Committee of the Court of Directors of the said Company shall propose to be sent to India, shall be by them previously laid before the said Board, and that within the space of fourteen days after the receipt of such proposed dispatches, the said Board shall return the same to the said Court of Directors or Committee of Directors, in the manner directed by the said Act: and whereas the said limitation of fourteen days for the return of such proposed dispatches may be found inconvenient: be it therefore enacted, that so much of the said Act of the thirty-third year of his present Majesty, as requires such proposed dispatches to be returned by the said Board within fourteen days, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall be sufficient for the said Board to return all such proposed dispatches to the said Court of Directors, or Committee of the said Court of Directors,

and the said Board is hereby required to return the same, with all reasonable dispatch, not exceeding two months. (1)

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 30.]

Proceedings of the Board may be signed by the Chief or Assistant Secretary.

LXXII. And whereas it is required by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, that various proceedings of the said Board of Commissioners should be signed by the Chief Secretary to the said Board; be it enacted, that from and after the passing of this Act, all proceedings of the said Board, to which the signature of the said Chief Secretary is now by law required, may be signed either by such Chief Secretary or by the Assistant Secretary to the said Board; any Act, matter, or thing to the contrary notwithstanding.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 30, the communications of the Board are to be signed by one of the two secretaries, which by section 23 they are authorized to appoint.]

Secret Committee not to disclose dispatches sent from the Presidencies relative to war, peace, or negociations, until authorized by the Board of Commissioners.

LXXIII. And be it further enacted, that from and after the passing of this Act, where any of the governments or presidencies in the East-Indies, or parts aforesaid shall, under the provisions of the said first-mentioned Act of the thirty-third year of his present Majesty, address any dispatches to the Secret Committee of Directors of the said United Company, for the inspection of such Committee, the said Secret Committee of Directors shall not disclose or make known the contents of any such dispatches which relate to the levying of war or the making of peace, or treating or negociating with any of the native princes or states of the East-Indies, or other parts within the limits of the said Company's Charter, until they shall be authorized by the Board of Commissioners for the affairs of India so to do.

LXXIV. And be it further enacted, that instead of the oath by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, required to be taken by the several Directors who shall from time to time be appointed a Secret Committee, they shall take an oath of the tenor following; that is to say,

Secret Committee to take the following instead of former oath;

"I, *A. B.* do swear, that I will, according to the best of my skill and judgment, "faithfully execute the several trusts and powers reposed in me as a member of the "Secret Committee, appointed by the Court of Directors of the United Company of "merchants of England trading to the East-Indies; I will not disclose or make known "any of the secret orders or instructions which shall be given, communicated or trans- "mitted to the said Committee by the Commissioners for the affairs of India, nor any dis- "patches communicated or transmitted to the said Committee by any of the Govern- "ments or Presidencies in India, which relate to the levying of war or the making of "peace, or treating or negociating with any of the native princes or states of the East- "Indies, or other parts within the limits of the said Company's Charter, save only to "the other members of the said Secret Committee, or to the person or persons who "shall be duly nominated and employed in transcribing or preparing the same respec- "tively, unless I shall be authorized by the said Commissioners to disclose and make "known the same. So help me GOD."

*Vide* 3 & 4 Wm. 4, cap. 85, sec. 35.

New oath of secrecy to be taken by persons employed in preparing or transcribing secret dispatches.

LXXV. And be it further enacted, that the Secretary of the said Court of Directors, or the Examiner of Indian Correspondence, or any other person employed by the Secret Committee, in preparing or transcribing any secret dispatches, orders or instructions, required to be transmitted by them to India, under the direction of the said Act of Parliament of Great Britain of the thirty-third year of his Majesty's reign, or any secret dispatches received from the governments or presidencies in the East-Indies or parts aforesaid, shall, before they respectively enter upon that duty, take and subscribe, before any of the members of the said Secret Committee, an oath of secresy, as near unto the tenor and form of the oath hereinbefore provided and directed to be taken by the members of the said Secret Committee, as the case will admit, in such manner as by the same Act of the thirty-third year of his present Majesty is required in regard to the oath thereby directed to be taken by persons employed in preparing and transcribing secret dispatches intended to be sent to India.

Title of this Act to be inserted in the Director's oath.

LXXVI. And be it further enacted, that in the oath prescribed to be taken by the Directors of the said Company, after their election, by the said Act of Parliament of Great Britain of the thirty-third year of his Majesty's reign, the year and title of this Act shall be inserted, instead of the year and title of the said Act of the thirty-third of his Majesty's reign.

In cases of equality of votes in General Courts or Courts of Directors, the questions to be considered as rejected, except in cases of two or more candidates for office, which are still to be determined by lot.

LXXVII. And whereas by the Charter of incorporation of the said United Company, granted under the authority of an Act passed in the ninth and tenth year of the reign of his late Majesty King William the Third, intituled, "An Act for raising a Sum not exceeding two millions, upon a Fund for Payment of Annuities after the Rate of Eight Pounds per Centum per Annum, and for settling the Trade to the East-Indies," it is ordered and appointed, that in all cases where there shall be an equality or equal number of votes in any General Court, or in any Court of Directors to be holden as aforesaid, the matter shall be determined by lots, which the Treasurer for the said Company shall cause to be prepared and drawn for that purpose: and whereas it is expedient that such mode of decision should be no longer continued; be it therefore enacted, that from and after the passing of this Act, no question in any such General Court, or Court of Directors, shall be carried otherwise than by a majority of votes; and in all cases of an equality of votes upon any question put in any such General Court or Court of Directors, such equality shall be deemed and taken to operate as a rejection of the motion or proposition on which such question shall have been so put: provided always, that nothing herein contained shall extend, or be construed to extend, to cases of election of any person to any office or place where there shall be more than one candidate for such office or place, but that in all such cases where there shall be an equality of votes in favour of any two or more candidates, such election may be determined by lot, in manner directed by the said Charter; any thing herein contained to the contrary notwithstanding.

Board may require accounts, abstracts, and statements to be prepared by the Directors.

33 G. 3, c. 52.

LXXVIII And be it further enacted, that from and after the passing of this Act, the Commissioners for the affairs of India, or any of the officers of the Board of Commissioners for the affairs of India, by the order and authority of the said Board, shall not only have free access to the books, papers, letters of correspondence, evidences, and other records of the said Company, and be assisted in their searches for the same, and furnished with copies or extracts, in the manner prescribed by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, but shall and may call for, and direct to be prepared, all such accounts, statements, and abstracts, relating to the affairs of the said Com-

pany as the said Board shall think fit; and the said Court of Directors shall, with all reasonable dispatch, cause to be prepared and transmitted to the said Board all such accounts, statements, and abstracts, as the said Board shall so direct to be prepared.

Proceedings at the Presidencies to be signed by the principal secretary of the department, in the absence of the chief secretary.

LXXIX. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that the several orders and proceedings of the Presidencies of Fort William, Fort St. George, and Bombay, should previously to their being published and put in execution, be signed by the chief secretary to the Council of the presidency, by the authority of the Governor-general in Council or Governors in Council, as the case may be; and whereas inconvenience may arise to the public service, unless some other person, besides such chief secretary, be authorized to sign such orders and proceedings; be it therefore further enacted, that all such orders and proceedings of the several governments and presidencies in the East-Indies, and parts aforesaid, shall or may previously to their being published or put in execution, be signed in manner aforesaid, either by the chief secretary to the government of the said presidency, or in the absence of such chief secretary, by the principal secretary of the department of such presidency to which such orders and proceedings relate; anything to the contrary notwithstanding.(1)

33 G. 3, c. 52.

(1) [*Vide* Acts of Government of India, No. 2 of 1834, in Appendix.]

Vacancies of Governors, and Commanders-in-chief, to be filled up by the Court of Directors, subject to his Majesty's approbation.

LXXX. And be it further enacted, that from and after the passing of this Act, all vacancies which shall happen in the office of Governor-general of Fort William, or of Governor of either of the Company's presidencies or settlements of Fort Saint George, or Bombay, or of Governor of the forts and garrisons of Fort William, Fort Saint George, or Bombay, or of Commander-in-chief of all the forces in India, or of any provincial Commander-in-chief of the forces there, shall be filled up and supplied by the Court of Directors of the said United Company; subject nevertheless to the approbation of his Majesty, to be signified in writing under his royal sign manual, countersigned by the President of the Board of Commissioners for the affairs of India: provided always that nothing herein contained shall extend, or be construed to extend, to take away or affect the power of the said Court of Directors, to remove or recal any such Governor-general, Governor, or Commander-in-chief; but the said Court shall and may at all times have full liberty to remove, recal, and dismiss any such Governor-general, Governor, or Commander-in-chief, at their will and pleasure, in the like manner as if this Act had not been made.(1)

None to affect the right of Directors to recal.

(1) [*Vide* 3 & 4 Wm. 4, cap. 85, sec. 42, 58, and 75. By sec. 58 the power of the Court is extended to the newly constituted Government of Agra.]

Vacancies in India (with exceptions) not to be supplied by the Directors without the approbation of the Board.

LXXXI. And be it further enacted, that from and after the passing of this Act it shall not be lawful for the said Court of Directors, either provisionally or otherwise, to nominate or appoint any person to succeed to any office or employment in the civil or military establishments of the said Company in the East-Indies, or parts aforesaid, without the approbation of the said Board of Commissioners, other than and except as aforesaid: provided always, that nothing herein contained shall prevent or hinder the said Court of Directors from nominating

or appointing absolutely or provisionally such persons as they may think fit to the offices of member of council, general officer on the staff, advocate and attorney-general, attorney at law of the said Company, or chaplain at the several presidencies or settlements, or to any offices or employments in the civil or marine establishments of the said Company, which may be and usually have been supplied by persons not having been covenanted servants of the said Company previously to their nominations or appointments, nor to prevent the said Court of Directors from nominating or appointing writers, cadets, or assistant surgeons, in such manner as they have heretofore been used or accustomed to do.

Provisions of 33 G. 3, c. 52, respecting the periods of service necessary for qualification of civil officers modified, *viz.* places of more than £1,500 per annum may be given after four years' service in India; places of more than £3,000 per annum after seven years; and places of more than £4,000 per annum (including the Council) after ten years.

LXXXII. And whereas a strict adherence to the provisions contained in the said Act made in the thirty-third year of his present Majesty's reign, in respect to the filling up and supplying vacancies in the civil service of the said Company has been found impracticable, without detriment to the public service, or injury to the just claims and meritorious exertions of individuals; and whereas a modification of the said Act has been in part adopted in the Act of the forty-seventh of his present Majesty, relative to the scholars educated at Hertford College;(1) be it therefore enacted, that from and after the passing of this Act, any office, place, or employment, the salary and perquisites whereof shall exceed the sum of fifteen hundred pounds, may be granted to and conferred upon the said servants who shall have been actually resident in India in the said Company's service for the space of four years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed the sum of three thousand pounds per annum, such office may be conferred upon any of the said servants who shall have been actually resident in India seven years at least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds per annum, such office, including that of the Council, may be granted to or conferred upon any of the said servants who shall have been actually resident in India in the Company's service for the space of ten years at the least in the whole.(2)

(1) [Further modification in 10 Geo. 4, cap. 16, sec. 2.]

(2) [See, as to Members of Council, 3 & 4 Wm. 4, cap. 85, sec. 40.]

Restoration of servants, civil and military, suspended or removed by the Governments abroad, not to be valid without consent of the Board. 51 G. 3, c. 75.

LXXXIII. And whereas by a certain Act, made in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the Payment of Salaries, and other Charges in the Office of the Commissioners for the Affairs of India; and for enabling the East-India Company to restore to the Service of the said Company military officers removed therefrom by Sentences of Courts Martial; and to authorize the said Company, in cases of unforeseen Emergency, to take up Ships by private Contract;" it was declared and enacted, that it was lawful for the Court of Directors of the said United Company, to restore to the service of the said Company any military officer who should have been or should be dismissed or suspended therefrom by the sentence of a court martial, provided that no such restoration should be in anyways valid or effectual, without the approbation and consent of the Board of Commissioners for the affairs of India, for that purpose had and obtained: and whereas it is expedient that the restoration by the said Court of Directors to the service of the said Company, of such of the said Company's servants, civil and military, as shall be suspended by the authority of any of the governments or presidencies of the said Company in India, and also that the restoration to their former stations of officers civil and mili-

tary, removed by the like authority, should be subject, to the like approbation and consent of the said Board of Commissioners; be it therefore further enacted, that from and after the passing of this Act no restoration by the said Court of Directors, to the service of the said Company, of any servant of the said Company, civil or military, who shall have been suspended by the authority of any of the said Company's governments or presidencies in the East-Indies, or parts aforesaid; and no restoration by the said Court of Directors to his station, office, or employment in the service of the said Company of any officer of the said Company, civil or military, who shall have been removed therefrom by the like authority, shall be valid or effectual, without the approbation and consent of the said Board of Commissioners, for that purpose first had and obtained.

Certain officers may return to India, after five years' absence, with consent of the Directors and the Board, though their absence may not have been occasioned by sickness, infirmity, or inevitable accident.

LXXXIV. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his Majesty's reign, it is enacted, that no person who shall hold a military station in the service of the said Company, being under the rank of Commander-in-chief of the forces, and who having departed from India by leave of the Governor-general in Council, or Governor in Council, shall not return to India within five years next after such departure, shall be entitled to any rank, or be capable of again serving in India, either in the European or native corps of troops, unless it shall be proved to the satisfaction of the said Court of Directors, and the Board of Commissioners for the affairs of India, that such absence was occasioned by sickness or infirmity, or some inevitable accident: and whereas inconvenience to the military service of the said Company has been found to arise, in certain cases, from the said provision; be it therefore enacted, that it shall and may be lawful for the said Court of Directors, with the approbation of the said Board of Commissioners, to permit any military officer, being of the rank of a general officer or colonel commanding a regiment, or being a lieutenant-colonel commandant of a regiment, who, having departed from India with such leave as aforesaid, shall not have returned to India within five years from the time of such departure, to have his rank and to be capable of again serving in India, although such absence may not have been occasioned by sickness or infirmity, or any inevitable accident, any thing in the said Act contained to the contrary notwithstanding.

Restored civil servants to take precedence according to their seniority at the time of their departure from India.

LXXXV. And be it further enacted, that when and as often as any person having held any civil station in India, in the service of the said Company, and having departed from India by leave of the Governor-general in Council, or Governor in Council, shall be restored to the said Company's service, after an absence of five years from the time of such departure, such person from and after such restoration, shall take rank and precedence only according to the time he shall have passed in the service of the said Company at the period of his departure from India; and on his return to India, if any other civil servant or servants at the settlement to which he shall belong, shall have then passed a greater or the like length of time in the service of the said Company, as the person so restored had passed when he left India, the person so restored shall be placed and take rank immediately below such other civil servant or servants; any matter or thing to the contrary notwithstanding.

Servants of the Company may be appointed to Boards, Courts, or other official establishments, though they do not take precedence according to seniority of services.

LXXXVI. And whereas by the said Act of the Parliament of Great Britain, of the thirty-third year of his present Majesty's reign, it is enacted, that all the civil servants of the said United Company in India, under the rank or degree of Member of Council, shall have and be entitled to precedence in the service of the said Company at their respective stations according to the seniority of their appointment: and whereas the several governments of the said Company are often prevented from appointing meritorious servants of the said Company

to be members of courts, boards, and other official establishments, where officers or employments are exercised by several servants of the said Company collectively, lest by such appointment one or more members of such court, board, or other establishment should be superseded; be it therefore enacted, that it shall and may be lawful for any Governor-general or Governor in Council of the said Company, if he shall think proper, upon application in writing for that purpose by any civil servant of the said Company desirous of being appointed a member of any such court, board, or other establishment, by special order to direct that such servant of the said Company, on being appointed to any office or employment in any such court, board, or other establishment, shall take precedence at or in such court, board, or other establishment, according to the seniority of his appointment as a member of such court, board, or other establishment, although such civil servant in respect of whom such order shall be made may thereby not take precedence at or in such court, board, or other establishment, according to the seniority of his appointment to the service of the said Company; and such civil servant shall thereupon take precedence at such court, board, or other establishment accordingly, the said Act or any other matter or thing to the contrary notwithstanding.

Payment for King's troops by the Company not to exceed 20,000 men, unless greater number sent on their requisition.

LXXXVII. And whereas it is expedient, in the present circumstances, that the number of his Majesty's forces, for which payment should be made out of the revenues arising from the British territories and possessions in the East-Indies should be ascertained and fixed, be it therefore enacted, that it shall not be lawful for the Commissioners for the affairs of India to give or approve orders or directions, that there shall be paid, defrayed and allowed, out of the revenues arising from the said territories and possessions, in respect of his Majesty's forces sent or to be sent to the East-Indies or parts aforesaid, for the security of the said territories and possessions, any sum or sums of money, in respect of any greater number of his Majesty's forces, than shall amount in the whole to twenty thousand men, including the commissioned and non-commissioned officers; unless any greater number of his Majesty's forces shall be sent to the East-Indies or parts aforesaid, on the requisition of the said Court of Directors; in which last case it shall and may be lawful for the said Commissioners to give and approve such orders and directions, for paying, allowing, and defraying such sums aforesaid, in respect to such additional forces of his Majesty so to be sent on the requisition of the said Company.(1)

(1) *Vide* note on 28 Geo. 3, cap. 8, sec. 2.]

No gratuity above £600 to be good, unless confirmed by the Board.
33 G. 3, c. 52.

LXXXVIII. And whereas by the said Act of the Parliament of Great Britain of the thirty-third year of his present Majesty, it was enacted, that no grant or resolution of the said Company, or their Court of Directors, to be made after the passing of that Act, and during the continuance of their right in the exclusive trade thereby granted, whereby the funds of the said Company might become chargeable, with any new salary, or increase of salary, or any new or additional establishment of officers or servants, or any new pension or increase of pension, to any one person, exceeding two hundred pounds per annum, should be available in law, unless such grant or resolution should be approved and confirmed by the Board of Commissioners for the affairs of India, attested under the hand of the President of the said Board: and whereas, for further protecting the funds of the said Company, during the continuance of the further term hereby granted to the said Company, it is expedient that the said Company should be put under reasonable limitations, in respect to the granting of gratuities; be it therefore further enacted, that from and after the passing of this Act it shall not be lawful for the said Court of Directors to charge the funds of the said Company with the payment of any gratuity, to any officer, civil or military, or other person, exceeding the sum

of six hundred pounds, unless the grant or resolution for that purpose shall have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both Houses of Parliament, within one month after such grant, if Parliament shall be then sitting, or if not, within one month after their then next meeting.(1)

Copies of grants of annuities to be laid before Parliament.

(1) [The 55 Geo. 3, cap. 64, was passed to explain and amend this section. That Act precludes the Company, or Court of Directors with the sanction of the Court of Proprietors, from charging their funds with any gratuity without the approval and confirmation of the Board. The 3 & 4 Wm. 4, cap. 85, sec. 25, subjects all grants and payments of money to the control of the Board, with the exception, under section 37, of the details of the home establishment.]

LXXXIX. And whereas by a certain Act passed in the thirteenth year of his present Majesty's reign, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it is enacted, that the salaries of the Governor-general and Council of Fort William, and of the Chief Justice and Judges of the Supreme Court of Judicature at Fort William in Bengal, shall take place and commence, in respect to all such persons who shall be resident in Great Britain at the time of their appointment, upon and from the day on which such persons shall embark from Great Britain; and that the salaries of all such persons who shall at the time of their appointment be resident in India, shall commence from and after their respectively taking upon them the execution of their offices: and whereas by an Act passed in the fortieth year of his Majesty's reign, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," a similar provision is made in respect to the salaries of the Chief Justice and Judges of the Supreme Court of Judicature at Madras: and whereas by an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," a similar provision is made in respect to the salary of the Recorder of the Court of Judicature at Bombay: and whereas no such provision has been made respecting the commencement of the salaries of the Governor or Council of Fort Saint George, or of the Governor or Council of the town and island of Bombay, or of the Governor of Prince of Wales' Island, or of the Recorder there: and whereas it is expedient that a general and moderate provision should be made in respect of all the said offices and of others who may happen to be in the United Kingdom at the time of their appointments; be it therefore further enacted, that so much of the said Acts of the thirteenth, thirty-seventh, and fortieth years of his Majesty's reign, as relates to the commencement of salaries, shall be and the same is hereby repealed: and that from and after the passing of this Act, the salaries of the several officers herein-before mentioned shall commence from and after their respectively taking upon them the execution of their offices; and the said Court of Directors shall and they are hereby required to pay and advance to all and singular the officers and persons herein-after mentioned, who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expences of their equipments and voyage, such

13 G. 3, c. 63.

39 & 40 G. 3, c. 79.

37 G. 3, c. 142.

For repealing parts of Acts respecting the commencement of certain salaries, and directing the commencement thereof, and for payment of passage money to certain officers.

sums of money as are set against the names of such officers and persons respectively, that is to say,

To the Governor-general of Fort William, in Bengal (1) ... Five thousand pounds:
To each of the Members of Council there (2) ... One thousand two hundred pounds:
To the Commander-in-chief of all the forces in India Two thousand five hundred pounds:
To the Chief Justice of the Supreme Court at Fort William One thousand five hundred pounds:
To each of the Puisne Judges there ... ... ... One thousand pounds:
To the Governor of Fort Saint George (3) ... (*Varied by* 3 & 4 Wm. 4, cap. 85.)
To each of the Members of Council there ... ... ... One thousand pounds:
To the Commander-in-chief there ... ... ... Two thousand pounds:
To the Chief Justice of the Supreme Court there One thousand two hundred pounds:
To each of the Puisne Judges there ... ... ... One thousand pounds:
To the Governor of Bombay (4) ... ... Two thousand five hundred pounds:
To each of the Members of Council there ... ... ... One thousand pounds:
To the Commander-in-chief there ... ... One thousand five hundred pounds:
To the Recorder there (5) ... ... ... ... ... ... (*See note.*)
To the Governor of Prince of Wales' Island ... One thousand two hundred pounds:
To the Recorder there ... ... ... ... ... One thousand pounds:
To the Bishop (6) ... ... ... ... One thousand two hundred pounds:
To each of the Archdeacons ... ... ... ... Five hundred pounds.

(1) [Re-enacted, as to the Governor-general of India, by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(2) [Extended to Members of the Council of India, by Act and section quoted above.]

(3) [By 3 & 4 Wm. 4, cap. 85, sec. 76, reduced to two thousand five hundred pounds.]

(4) [Re-enacted by 3 & 4 Wm. 4, cap. 85, sec. 76.]

(5) [There is no longer a Recorder of Bombay; a Supreme Court having been erected by 4 Geo. 4, cap. 71. By that Act (sec. 12) the allowance for passage-money to a Chief Justice is fixed at one thousand two hundred pounds; and that to a Puisne Judge, at one thousand pounds.]

(6) [This allowance is for the Bishop of Calcutta. The 3 & 4 Wm. 4, cap. 85, authorized the erection of two new sees, Madras and Bombay; and the allowance to the Bishops of those sees is fixed, by section 91, at five hundred pounds.]

Additional provision for the salaries and charges of the Board of Control.

XC. And whereas by an Act passed in the fifty-first year of his Majesty's reign, intituled, "An Act for making further Provision for the payment of Salaries and other Charges in the

Office of the Commissioners for the Affairs of India, and for enabling the East-India Company to restore to the service of the said Company Military Officers removed therefrom by sentence of Courts Martial, and to authorize the said Company, in cases of unforeseen emergency, to take up Ships by Private Contract," it is enacted that the whole of the salaries to be paid to the members of the said Board of Commissioners for the affairs of India, and to the secretaries and officers of the same, together with all other contingent charges and expenses of the said Board to be defrayed by the said United Company, should not exceed the sum of twenty-two thousand pounds in any one year: and whereas it is necessary that an addition should be made to the said sum, for the purpose of further remunerating the services of the secretaries and officers of the said Board: be it therefore enacted, that so much of the said Act as limits the sum to be defrayed by the said Company on account of the said Board, to the sum of twenty-two thousand pounds in any one year, shall be, and the same is hereby repealed; and that from and after the passing of this Act, the sum to be defrayed by the said Company, on account of the said Board, shall not exceed the sum of twenty-six thousand pounds in any one year; and that the same shall be deemed and taken as part of the political charges of the said Company.(1)

(1) [By 3 & 4 Wm. 4, cap. 85, sec. 6, the Board are empowered to make a temporary increase upon the sum above-named for the payment of such additional officers as might be necessary during the winding-up of the commercial concerns of the Company; but section 110 prohibits any permanent increase.]

His Majesty empowered to grant superannuations to the officers of the Board of Control.

XCI. And whereas it is reasonable that his Majesty, his heirs or successors, should have power to grant allowances, compensations, remunerations, or superannuations, to the secretaries and other officers of the said Board, under the conditions hereinafter provided; be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs or successors, by any warrant or warrants, under his or their sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant or allow to any of the secretaries or officers for the time being belonging to the said Board, such allowances, compensations, remunerations, or superannuations, as his Majesty, his heirs or successors, shall think proper; under and subject nevertheless to such or the like conditions, and in such or the like proportions, as allowances, compensations, remunerations, or superannuations, may now be made to public officers, by virtue of an Act passed in the fiftieth year of his present Majesty's reign, intituled, "An Act to direct that Accounts of increase and diminution of Public Salaries, Pensions, and Allowances, shall be annually laid before Parliament, and to regulate and control the granting and paying of such Salaries, Pensions, and Allowances;" and that the same shall be paid and defrayed quarterly by the said Company, and be deemed and taken as part of their political charges.

50 G. 3, c. 117.

Previous service to be taken into account for officers of the Board.

XCII. Provided always, that where any officer or servant of the said Board shall have been in the service of the said Company, previously to his employment under the authority of the said Board, the time of such service under the said Company shall be taken into account, in computing the number of years service under the said Board.

Court of Directors empowered to grant superannuations to

XCIII. And whereas it is reasonable that the said Court of Directors should have power to grant allowances in the nature of superannuations, to such of their officers and servants in

Company's servants in England.

England, as from age or infirmity may no longer be qualified for the execution of their several offices or employments; be it therefore enacted, that it shall and may be lawful to and for the said Court of Directors, to make allowances, compensations, remunerations, or superannuations, to the officers and servants of the said Company in England; subject to the restrictions and according to the conditions and proportions following; (that is to say), where it shall be proved, to the satisfaction of the said Court of Directors, that any such officer or servant, being under sixty years of age, shall be incapable, from infirmity of mind or body, to discharge the duties of his office, in such case, if he shall have served with diligence and fidelity in the service of the said Company for ten years, it shall and may be lawful to grant him, by way of superannuation, any annual sum not exceeding one-third of the salary and allowed emoluments of his office: if above ten years and less than twenty, any such sum not exceeding one half of such salary and allowed emoluments: if above twenty years, any such sum not exceeding two-thirds of such salary and allowed emoluments: if such officer or servant shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall and may be lawful, without proof of infirmity of mind or body, to grant him, by way of superannuation, any annual sum not exceeding two-thirds of the salary and allowed emoluments of his office: if sixty-five years of age or upwards, and he shall have served forty years or upwards, any such sum not exceeding three-fourths of such salary and allowed emoluments: if sixty-five years of age or upwards, and he shall have served fifty years or upwards, any such sum not exceeding the whole of such salary and allowed emoluments: all which allowances so to be made shall be charged in the books of account of the said Company to the debit of that branch of the Company's affairs(1) to which the said officers or servants may respectively belong; any thing in the said Act of the thirty-third year of his Majesty's reign to the contrary notwithstanding.

(1) [This refers to the distinction between territory and commerce, which no longer exists. The 3 & 4 Wm. 4, cap. 85, made special provision, in section 7, for compensation to servants, their widows, or children, whose interests were affected by the discontinuance of the Company's trade.]

Account of superannuations to be laid before Parliament.

XCIV. Provided always, and be it further enacted, that an account of all allowances, compensations, remunerations, and superannuations, which shall be granted, either to the officers or servants of the said Board of Commissioners, or to the officers or servants of the said Company as aforesaid, during the preceding year, shall be laid before Parliament within fifteen days after the next meeting thereof.

Act not to prejudice the King's sovereignty, or affect rights of the Company

XCV. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prejudice or affect the undoubted sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said territorial acquisitions; nor to preclude the said United Company, after the determination of the term hereby granted, from the enjoyment of or claim to any rights, franchises, or immunities which they now have, or to which they may hereafter be entitled.

The Governments in India empowered to make laws, regulations, and articles of war, for the native

XCVI. And whereas doubts have been entertained whether the several governments of the said Company have sufficient power in all cases to make laws and regulations and articles of war, for the order and discipline of officers and soldiers, being natives of the East-Indies, or

troops; and to hold courts martial.

other places within the limits of the said Company's Charter, in the service of the said Company, and for the administration of justice by courts martial to be holden upon such officers and soldiers; and it is expedient that such doubts should be removed: be it therefore enacted and declared, that the several governments of Fort William, Fort Saint George, and Bombay,(1) have and shall, during the continuance of the term hereby granted to the said Company, be deemed and taken to have full power and authority to make all such laws and regulations and articles of war, as they may think fit, for the order and discipline of all officers and soldiers, natives of the East-Indies, or other places within the limits of the said Company's Charter, in their respective services, and for the administration of justice by courts martial to be holden on such native officers and soldiers, and for the constitution and manner of proceeding of such courts martial, and for all other purposes relating to or in any manner concerning such native officers and soldiers, in as full and ample a manner as the said governments respectively may make any other laws or regulations for the government of the natives of the several territories subject to the said presidencies respectively, any Act of Parliament, or other matter or thing to the contrary notwithstanding: provided always, that all laws, regulations, and articles of war, hereafter to be made respecting any of the matters aforesaid, whereby the rights, persons, or property of any such native officers or soldiers may be affected, shall be made and promulgated in every respect in the same manner as other regulations affecting the rights, persons, or property of natives or other individuals amenable to the provincial courts of the presidency of Fort William in Bengal, are directed to be made by virtue of an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India."

(1) [The Governor-general in Council is the only local authority now possessing the power of legislation.]

Former laws, articles of war, and established usages respecting native troops confirmed.

XCVII. And be it further enacted and declared, that all laws, regulations, and articles of war heretofore made by any of the said governments, respecting the said native officers and soldiers, or the administration of justice by courts martial to be holden upon them, or the constitution or proceeding of such courts martial, or in any manner respecting the government, order, or discipline of such native officers or soldiers, and also all established usages acted upon by such governments, respecting any of the matters aforesaid, although the same may not have originated in any written law or regulation thereof, were, and that such of the said laws, regulations, articles of war, and established usages as are now subsisting, are, and until altered or repealed by the said governments(1) respectively shall be, to all intents and purposes, valid; and that all courts martial holden according to such laws, regulations, or articles of war, or established usages, and all proceedings of the same respectively, and all other acts or proceedings done or had under such laws, regulations, articles of war, or established usages, are hereby ratified and confirmed, and declared to be valid, and to have been legally had and done; so far as the same respectively were and are conformable to such laws, regulations, articles of war, and established usages.

(1) [*Vide* note on section 96.]

Governor-general and Governors in Council at Fort William, Ma-

XCVIII. And whereas it is expedient that the governments of the said Company established at Fort William, Fort Saint George,(1) Bombay,(1) and Prince of Wales' Island,(1) respec-

dras, Bombay, and Prince of Wales' Island, may impose duties of customs and other taxes on places and persons within the jurisdiction of the Courts established by the King's Charter, in the same manner as in places without such jurisdiction.

tively, should have authority to impose duties and taxes to be levied within the several towns of Calcutta and Madras, the town and island of Bombay and Prince of Wales' Island, and also duties and taxes to be paid by persons subject to the jurisdictions of the Supreme Court of Judicature at Fort William in Bengal, the Supreme Court of Judicature at Madras, the Court of the Recorder of Bombay, and the Court of Judicature at Prince of Wales' Island respectively; be it therefore enacted, that it shall and may be lawful to and for the Governor-general in Council of Fort William in Bengal, and to and for the Governor in Council of Fort Saint George,(1) and to and for the Governor in Council of Bombay,(1) and to and for the Governor in Council of Prince of Wales' Island,(1) within the respective Presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to impose all such duties of customs and other taxes, to be levied, raised, and paid within the said towns of Calcutta and Madras, the said town and island of Bombay, and Prince of Wales' Island, and upon and by all persons whomsoever, resident or being therein respectively, and in respect of all goods, wares, merchandises, commodities and property whatsoever also being therein respectively; and also upon and by all persons whomsoever, whether British born or foreigners, resident or being in any country or place within the authority of the said governments respectively; and in respect of all goods, wares, merchandises, commodities and property whatsoever, being in any such country or place, in as full, large and ample manner as such Governor-general in Council, or Governors in Council(1) respectively may now lawfully impose any duties or taxes to be levied, raised, or paid, upon or by any persons whomsoever, or in any place whatsoever, within the authority of the said governments respectively: provided always, that no imposition of any such duty or tax, or any increase of any such duty or tax, within the said towns of Calcutta or Madras, the said town and island of Bombay, or Prince of Wales' Island, shall be valid or effectual, until the same shall have been sanctioned by the said Court of Directors, with the approbation of the said Board of Commissioners, in manner herein-before prescribed respecting duties and taxes of export, import, and transit on goods, wares, or merchandize.

No such duty or tax in Calcutta, Madras, Bombay, or Prince of Wales' Island, to be valid till sanctioned by the Directors, with the approbation of the Board.

(1) [*Vide* note on section 96.]

Governor-general and Governors in Council may make laws and regulations respecting such duties and taxes, and impose fines and forfeitures for non-payment thereof.

XCIX. And be it further enacted, that it shall and may be lawful for such Governor-general in Council, and Governors in Council(1) respectively, to make laws and regulations respecting such duties and taxes, and to impose fines, penalties, and forfeitures, for the non-payment of such duties or taxes, or for the breach of such laws or regulations, in as full and ample manner as such Governor-general in Council, or Governors in Council(1) respectively, may now lawfully make any other laws or regulations, or impose any other fines, penalties, or forfeitures whatsoever: and all such laws and regulations shall be taken notice of without being specially pleaded, as well in the said Supreme Courts and Recorder's Court and Court of Judicature at Prince of Wales' Island respectively, as in all other Courts whatsoever, within the said British territories: and that it shall and may be lawful for all persons whomsoever, to prefer, prosecute, and maintain in the same Supreme Courts and Recorder's Court and Court of Judicature at Prince of Wales' Island respectively, all manner of indictments, informations, and suits whatsoever, for enforcing such laws and regulations, or for any matter or thing whatsoever arising out of the same; any Act, Charter, usage, or other thing to the contrary notwithstanding.

(1) [*Vide* note on section 96.]

C. And be it further enacted, that it shall and may be lawful for the Advocate-general, or other principal law officer of the said Company, at the several presidencies of Fort William, Fort Saint George, Bombay, and Prince of Wales' Island, to exhibit in behalf of the said Company to the Supreme Courts of Judicature at Fort William and Madras, Recorder's Court at Bombay, and Court of Judicature at Prince of Wales' Island, as occasion shall require, against any person or persons whomsoever, subject to the jurisdiction of the said several Courts respectively, any information or informations for any breach or breaches of the revenue laws, or regulations of any of the said Governments, or for any fine or fines, penalty or penalties, forfeiture or forfeitures, debt or debts, or sum or sums of money, committed, incurred, or due by any such person or persons, in respect of any such law or regulations; and such proceedings shall be had and taken upon every such information as may lawfully be had or taken, in case of an information filed by his Majesty's Attorney-general in the Court of Exchequer in England, for any offence committed against the revenue laws of England, or for any fine, penalty, forfeiture, debt, or sum of money due in respect thereof; so far as the circumstances of the case, and the course and practice of proceeding in the said Courts respectively will admit; and all fines, penalties, forfeitures, debts, and sums of money, recovered or levied under or by virtue of any such information, so to be exhibited as aforesaid, shall belong to the said United Company, and the same, or the proceeds thereof, shall be carried in their books of account to the credit of the territorial revenues of the said Company.

Advocate-general may exhibit informations to the King's Courts, in matters of revenue, &c.

CI. And whereas it is expedient that provision should be made for empowering the several governments of the said Company in India to restrain, by summary convictions, British subjects residing in India without licence or certificate, or beyond the terms of such licence or certificate, in cases where such governments may not deem it advisable to exercise the powers vested in them of prosecuting such persons for a misdemeanor, or sending them to the United Kingdom; be it therefore enacted, that upon information being exhibited by the Advocate-general, or other principal law officer of the said Company, at any of their Presidencies, in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, the Recorder's Court at Bombay, or the Court of Judicature at Prince of Wales' Island, that any such subject of his Majesty has been found in any part or place of the East-Indies, or parts aforesaid, to which the jurisdiction of the Court in which such information may be filed extends, without being duly licenced or otherwise authorized for that purpose, it shall and may be lawful for the Court in which such information may be filed, to cause such person to be arrested and brought before such Court; and upon proof being duly made before such Court of the substance of the matter stated in the said information, such person shall be required to produce or prove the licence or other authority under which he came to and resides in the East-Indies, and under which he resorted to or was remaining, or found at the place where he shall be proved to have been: and in case he shall fail to produce or prove any such licence or authority, or duly account for the non-production or want of proof thereof, or if upon production or proof thereof it shall appear to the said Court that the residence of such person in the East-Indies, or his resorting to or remaining in the place where he shall be proved to have been, was not within the true intent and meaning of such licence or authority, it shall and may be lawful for the said Court, in a summary way, to convict such offender of having been found on such a day at such a place within the East-Indies or parts aforesaid, without being duly licenced or otherwise authorized for that purpose, and to order such offender to pay such fine, not exceeding two thousand rupees, as the said Court shall think fit, and also to commit such offender to the gaol of the Presidency to which such Court shall belong, for a period not exceeding two months, unless such fine shall be sooner paid; and in case such person shall a

Provision for summary conviction and punishment of British subjects being in India without licence, or exceeding the terms of their licence.

Penalty.

second time be convicted of a like offence, either before the same or any other Court, it shall and may be lawful for such Court before which such person shall be so convicted a second time, to order such offender to pay such fine, not exceeding four thousand rupees, as the said Court shall think fit, and also to commit such offender to the gaol of the Presidency to which such Court shall belong, for a period not exceeding four months, unless such fine shall be sooner paid: provided always, that nothing herein contained shall extend, or be construed to extend, to repeal, alter, or annul any enactment or provision contained in any former Act or Acts, whereby any person so being found in the East-Indies or parts aforesaid, without having a licence or other authority for that purpose, is or may be subjected to a prosecution for a misdemeanor, or whereby such person is or may be liable to be sent to the United Kingdom: provided nevertheless, that no person who shall have been convicted as aforesaid, shall be liable to be prosecuted for a misdemeanor, or sent to the United Kingdom, in respect of any residence in the East-Indies or parts aforesaid, previously to the date of such conviction.(1)

Not to prevent such British subjects from being prosecuted for misdemeanors, or sent home;

but not on account of residence previous to conviction.

(1) [See note on section 36.]

King's Courts regularly to hold sessions four times in every year, for trying criminal offences.

CII. And for preventing any delay of justice, or the unnecessary detention of persons charged with offences; be it further enacted, that all his Majesty's Courts exercising criminal jurisdiction within the said several Presidencies of the said Company, shall, and they are hereby required, four times at the least in every year, on such days and at such convenient intervals of time as the Judges of the said Courts respectively shall appoint, to hold their sessions, for the purpose of taking cognizance of all matters relating to pleas of the Crown.

For misdemeanors committed by British subjects more than one hundred miles from a Presidency, informations may be filed *ex officio*, and prosecuted as in the Court of King's Bench in England.

CIII. And whereas great inconvenience and expense have hitherto been experienced in cases of prosecution under the authority of the Advocate-general or other principal law officer of the said Company, at their several Presidencies of Fort William, Fort Saint George, and Bombay respectively, for misdemeanors committed at a distance from the said several Presidencies, by the ordinary course of indictment, or information filed with leave of the Court; be it therefore enacted, that it shall and may be lawful for the Advocate-general, or other principal law officer of the said Company at their several Presidencies, in all cases of misdemeanor alleged to have been committed by any British subject, at a distance of more than one hundred miles from the Presidency, within the limits whereof such offence shall be alleged to have been committed, to file an information *ex officio* in the Supreme Court of Judicature at Fort William, the Supreme Court of Judicature at Madras, or the Recorder's Court at Bombay, as the case may be; and all such proceedings shall and may be used and had upon such information as may lawfully be used and had in cases of information filed *ex officio* by his Majesty's Attorney-general in his Majesty's Court of King's Bench in England, any matter or thing to the contrary notwithstanding.

Persons residing in India without license, may be sent home without being afterwards prosecuted.

CIV. And whereas it may be doubtful whether the Governor-general of Fort William in Bengal, or other persons authorized to take, arrest, and seize such persons as may be found within the East-Indies, and other limits of the said Company's Charter, without license or other lawful authority for that purpose, have power to remit or send any such person or persons to the said United Kingdom, except for the purpose of being prosecuted for a misdemeanor: and whereas it may be sufficient in many cases to remit and send such persons to the United Kingdom, without subjecting them to further punishment; be it enacted, that it shall and may be lawful for the said Governor-general, or in his absence from his government the Vice-president, the Governor of any of the said Company's presidencies, the chief officer

of the said Company resident at any British settlement in the East-Indies or parts aforesaid, the Company's council of supercargoes at the town and factory of Canton, within the said town and factory, and upon the river of Canton, or other part of the coast of China,(1) and such other persons as may be from time to time especially deputed and authorized for that purpose by the Court of Directors of the said United Company, to take, arrest, seize, and cause to be taken, arrested, and seized, at any place or places within the East-Indies or parts aforesaid, and to remit and send to the United Kingdom, on board any ship or ships of or belonging to or in the service of the said Company, bound to the United Kingdom, all such persons so being found at any such place or places in the East-Indies or parts aforesaid, without licence or other lawful authority for that purpose;(2) and the masters or other persons having the command of all such ships, shall and they are hereby authorized and required to receive, and safely and securely to keep all and every such person and persons who shall be sent on board any ship or ships, for the purpose aforesaid, until such person or persons shall be landed in some port or ports of the United Kingdom: provided always, that every person who shall be so put on board any such ship for the purpose aforesaid, shall be entitled to be discharged in such port of the United Kingdom, in which such ship shall be moored in safety, as such person shall think fit.

(1) [The Company have now no establishment in China.]

(2) [See note on section 36.]

Justices of Peace in the provinces shall have jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

CV. And whereas his Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now, by law, subject only to the jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, to which all other persons, whether natives or others, inhabitants in the said territories without the limits of the towns aforesaid, are amenable:(1) and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where his Majesty's Courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East-Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred rupees, to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the

gaol of the presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: provided always, that in all cases of conviction of a British subject, under the provision herein-before contained, the magistrate before whom such conviction shall take place shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate; provided also, that all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the Crown, or other officer to whom it belongs to receive fines in his Majesty's Court of Oyer and Terminer and gaol delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of *certiorari* into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the thirty-third year of his Majesty's reign, with regard to other convictions before Justices of Peace in the British settlements or territories in India: provided also, that nothing herein contained shall extend, or be construed to extend, to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of his Majesty's Courts to which such British subject may be amenable.

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

Application thereof.

Convictions removable by *certiorari*, and subject to provisions of 33 G. 3, c. 52.

(1) [*Vide* Acts of Government of India, Nos. 8 and 24 of 1836, in Appendix.]

Justices of the Peace to have jurisdiction, in cases of small debts due to natives from British subjects.

CVI. And be it further enacted, that in all cases of debt not exceeding the sum of fifty rupees, alleged to be due from any British subject to any native of India resident in the East-Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras, and Bombay respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India the amount thereof shall and may be levied in the same manner, and subject to the same regulations and provisions, in respect to the commitment of the debtor, as are herein-before made and provided in respect to the levying of fines in case of the conviction of a British subject before such magistrate.(1)

(1) [Repealed as to debts due from officers and soldiers being British subjects by 4 Geo. 4, cap. 81, sec. 57. See also Acts of Government of India, Nos. 11 & 24 of 1836, in Appendix.]

CVII. And be it further enacted, that all British subjects of his Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or possession of any immoveable property in any part of the British territories in India, at the distance of more than ten miles from the several presidencies of Fort William, Fort Saint George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have cognizance of civil suits or matters of revenue, either originally or by way of appeal, within the districts or places where such British subject shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue (except as herein-after excepted), in the like manner as the natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the regulations of the several governments of Fort William, Fort Saint George, and Bombay respectively: provided always, that no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of suit shall have arisen within the jurisdiction of the said Court, and the suit shall be commenced within two years after the cause thereof shall have arisen, and also within six months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of suit shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect of any immoveable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: provided also, that where by the laws or regulations in force, or hereafter to be in force, within the provinces respectively subject to the governments of Fort William, Fort Saint George, and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate, civil, or revenue Court of Judicature, to appeal therefrom to the Sudder Dewanny Adawlut, or other Court however denominated, exercising within those provinces respectively the highest appellate jurisdiction in civil suits, it shall be competent to British subjects of his Majesty, in suits commenced against them under the provisions of this Act, instead of appealing to the said Sudder Dewanny Adawlut, or other Court so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort Saint George, or the Recorder's Court at Bombay, according as the suit may have been commenced in the provinces subordinate to either of the said presidencies; and such Court shall have the same powers as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate Courts, as the said Sudder Dewanny Adawlut or other such Court as aforesaid would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewanny Adawlut, or other such Court as aforesaid in cases of appeal: provided also, that nothing herein contained shall extend, or be construed to extend, to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such provincial Courts as herein-before provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively,

British subjects, residing or trading, or occupying immoveable property, ten miles from the Presidencies, to be subject to the local civil judicature.

Restrictions as to the grounds of jurisdiction of the local judicature.

Where an appeal would lie to the Sudder Dewanny Adawlut, or local Court, British subjects may appeal to his Majesty's Courts.

Not to bar the jurisdiction of the King's Courts.

The plaintiff may sue there at his election.

in the same manner as before the passing of this Act: provided also, that nothing herein contained shall extend, or be construed to extend, to authorize the holding or occupying of any land or other immoveable property, beyond the limits of the said several presidencies, by any British subject of his Majesty, otherwise than under and according to the permission of the Governments of the said Presidencies.(1)

(1) [*Vide* Acts of Government of India, Nos. 8, 11, and 24, of 1836, in Appendix.]

British subjects allowed to reside more than ten miles from Presidency, shall procure and register certificate of such permission in the Court of the district;

CVIII. And be it further enacted, that every British subject of his Majesty, not in the service of his said Majesty, or of the said United Company, who, after the tenth day of April one thousand eight hundred and fourteen, shall go to and reside in any part of the British territories in India, distant more than ten miles from the presidency to which the same shall be subordinate, with the permission of the government of such presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief secretary(1) of the said government or other officer authorized for that purpose, a certificate signed by the said chief secretary or other officer, expressing that such British subject has the permission of such government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such government or for any limited time; and the said certificate shall be deposited by such British subject in the civil Court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said Court, of which certificate so deposited, a true copy attested by the judge or other officer of such Court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shewn: and no British subject not in the service of his Majesty, or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of civil jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate signed by the judge of the Court wherein the same is deposited; or an affidavit accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought, that such British subject is residing at any place within the said territories, distant more than ten miles from the presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles distance from such presidency, such British subject shall thereupon be nonsuited. (2)

and suing in any civil Courts, shall produce copy of such certificate, or an affidavit accounting for not filing it.

(1) [See Act of Government of India, No. 2 of 1834, in Appendix.]

(2) [Now applicable only to those parts of India not opened to the British under 3 & 4 Wm. 4, cap. 85. See note on section 36.]

CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of merchants of England trading to the East-Indies, or of any of his Majesty's subjects, are amenable to the jurisdiction of the provincial Courts established in the East-Indies, or whether such persons being natives of India, in the service of the said United Company, or of his Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras, and Bombay respectively, and it is expedient that such doubts should be removed; be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects; any law, usage, or practice to the contrary thereof in anyways notwithstanding: provided always, that nothing herein contained shall anywise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay(1) respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay(1) respectively, as well as the provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects.

Natives of India in the service of Company subject to provincial Courts.

(1) [Now a Supreme Court.]

CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras, and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction; by reason whereof failures of justice may arise; be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras, and Bombay, exercising Admiralty jurisdiction, to take cognizances of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any other Court of Admiralty jurisdiction established by his Majesty's authority in any colony or settlement whatsoever belonging to the Crown of the said United Kingdom.

Admiralty jurisdiction of King's Courts extended.

CXI. And whereas doubts have arisen whether the Advocate-general or other principal law officer of the said Company, at any of the said Company's presidencies, is by law authorized to exhibit to the respective Courts of Judicature at any of the said presidencies, for and on behalf of his Majesty, informations in the nature of actions at law, or bills in equity, for or in respect of any cause or causes of actions, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, which may have arisen or accrued, or which may arise or accrue to his Majesty; for remedy thereof, be it further enacted, that it shall and may be lawful to and for the Advocate-general, or other principal law officer of the said Company for the time being, at each of the said Company's presidencies respectively, for and on behalf of his Majesty, his heirs, and successors, to exhibit to the respective Supreme Courts of Judicature at the said Company's presidencies of Fort William and Madras, or to the Recorder's Court at Bombay, or the Court of Judi-

Advocate-general of the Company may file informations in King's Courts, for debts due to his Majesty.

cature at Prince of Wales' Island, any information or informations in the nature of an action or actions at law, or of a bill or bills in equity, as occasion shall require, against any person or persons residing within or being amenable to the jurisdiction of the said Courts respectively, for or in respect of any cause or causes of action, debts, dues, demands, accounts, reckonings, sum or sums of money, stores, goods, chattels, or any other matter, cause, or thing whatsoever, as fully and effectually to all intents and purposes, as his Majesty's Attorney-general for the time being is by law authorized to exhibit any such information or informations in any of his Majesty's Courts of Law or Equity in this realm; and that thereupon such proceedings shall be had, as far as the circumstances of the case and the course and practice of the said Courts of Judicature at the said several presidencies will admit, as are had upon such informations exhibited by his Majesty's Attorney-general in any of his Majesty's Courts of Law or Equity in this realm.

Justices of the Peace may qualify by taking the oaths in any Court of Justice within the provinces. 33 G. 3, c. 52

CXII. And whereas great inconvenience has arisen from requiring the civil servants of the said United Company, and other persons stationed at a distance from the presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said presidencies, as prescribed by the said Act of Parliament of Great Britain of the thirty-third year of his Majesty's reign; be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the peace as are in the said Act mentioned, shall be capable of acting as Justices of the Peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any Civil or Criminal Court of Justice, within the provinces in and for which any such commission shall have issued before any other Justice of the Peace, the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the province or presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of justice in which the said oaths shall have been administered.

Provincial Courts of the highest jurisdiction, may arrest in civil or criminal process within the Presidencies, notwithstanding the jurisdiction of King's Courts.

CXIII. And whereas it is expedient that the Sudder Dewanny Adawlut, and Nizamut Adawlut, or other provincial Courts, however denominated, exercising the highest jurisdiction within the provinces respectively subject to the governments of Fort William, Fort Saint George, and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewanny and Nizamut Adawlut, or other provincial Courts aforesaid, to execute or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively,(1) all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any Act, Charter, or other matter or thing whatsoever to the contrary notwithstanding: provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or indorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue.

Process to be in writing, with an English translation, and signed by a Judge.

(1) [*Vide* Act of Government of India, No. 11 of 1836, in Appendix.]

Sections 114 to 120 are composed of penal enactments directed against various offences. They are repealed by 9 Geo. 4, cap. 74, sec. 126.]

Counterfeiting licences or certificates, or attested copies thereof, punishable with fine and imprisonment.

CXX. And be it further enacted, that if any person or persons within the local limits of the criminal jurisdiction of the said Courts, or if any person or persons personally subject to the jurisdiction of any of the said Courts, at any place in the East-Indies, or at any place between the Cape of Good Hope or the Straits of Magellan, where the said Company shall have a settlement, factory, or other establishment, shall counterfeit, erase, alter, or falsify, any licence, authorizing any ship or vessel to proceed to any place in the East-Indies, or parts aforesaid, or any licence or certificate authorizing any person to go to or reside in any such place, or any attested copy of any such licence or certificate, or shall utter or publish as true, any such counterfeited, erased, altered, or falsified licence, certificate, or attested copy, knowing the same to be counterfeited, erased, altered or falsified, and shall be convicted thereof, every person so offending shall suffer such imprisonment, not exceeding one year, and shall pay such fine, not exceeding in value one thousand sicca rupees, in the currency of the place in which such offence shall be committed, as the Court before which he or she shall have been so convicted, shall direct.(1)

(1) [Licences for ships or vessels are no longer necessary in any case. On licences for persons see note on section 36.]

Section 121 directed the mode of carrying into effect the sentence of transportation for offences under former sections of this Act; but the whole of those sections have been repealed.

Persons taking false oaths, guilty of perjury; and persons suborning, liable to the penalties of perjury, according to the laws of England.

CXXII. And be it further enacted, that if any person or persons whomsoever shall be convicted of making a false oath, touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the said United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains and disabilities, as persons convicted of perjury are respectively liable unto, by any law in force in the said part of the United Kingdom called England.

In actions for unlawful arresting of persons found in the East-Indies, &c. the defendants may plead the general issue.

CXXIII. And be it further enacted, that if any suit or action shall be brought or commenced against the said United Company, or any of their servants, or any person or persons acting by their authority for the recovery of any costs or damages for the unlawful taking, arresting, seizing, imprisoning, sending, or bringing into the United Kingdom, of any person or persons found in the East-Indies or other parts aforesaid, within the limits of the said Company's Charter, or as not being authorized to reside or traffic(1) there, the defendant or defendants to such suit or action may plead the general issue, and give the special matter in evidence for his or their defence;(2) and the proof shall lie on the plaintiff or plaintiffs upon the

Proof to lie on the plaintiff.

trial of the issue, to shew that at the time or times of arresting or seizing such person or persons respectively for the causes aforesaid, in the manner in which such arresting or seizing shall be laid or charged to have been done in or by the declaration or declarations in such suits or actions, the person or persons so arrested was or were in the military or marine service of his Majesty, his heirs or successors, or was or were under covenant to serve the said Company in India, or was or were duly possessed of a licence or licences, certificate or certificates in writing, authorizing him or them to go to or reside and traffic in the East-Indies or parts aforesaid, or that the person or persons, not being in his Majesty's service, was or were at the time or times of his or their being so seized or arrested, entitled or authorized, by the stipulation of such covenants, licences or certificates respectively, to remain and continue in India or other the parts aforesaid; and in failure of such proof, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or where a verdict shall pass for the defendant or defendants, he or they shall have treble costs awarded to be paid by the respective plaintiff or plaintiffs in such suit or action; any law, statute, or provision to the contrary notwithstanding.

Treble Costs.

(1) [See note on section 36.]
(2) [See 10 Geo. 3, cap. 47, sec. 5 and 7.]

Limitations of suit.

CXXIV. And be it further enacted, that all suits, and prosecutions for any thing done under or by virtue of this Act, shall be commenced within the space of three years after the cause of complaint shall have arisen; or being done in the United Kingdom, in the absence of any person beyond sea, aggrieved thereby, then within the space of three years next after the return of such person to the United Kingdom.

Parts of the Act, for which no particular time is appointed to commence from 10th April 1814.

CXXV. And be it further enacted, that so much and such parts of this Act in respect whereof no particular time or times of commencement is or are herein named, or appointed, shall have commencement from and after the tenth day of April, one thousand eight hundred and fourteen.

---

## 54 GEORGII III. Cap. LXI.

AN ACT *to amend an Act of the Twenty-second Year of his present Majesty, intitutled, "An Act to prevent the granting in future any Patent Office, to be exercised in any Colony or Plantation, now, or at any Time hereafter belonging to the Crown of Great Britain, for any longer Term than during such Time as the Grantee thereof or Person appointed thereto shall discharge the Duty thereof in Person, and behave well therein."* [27*th May* 1814.]

This Act not to extend to the East-India Company.

V. And be it further enacted, that nothing in this Act contained shall operate to the prejudice of any subsisting grant of any office or offices, or shall be construed to affect any appointment, or any leave of absence, granted previous to the passing of this Act, or any re-

newed grant of any office which may be made in consequence of the demise of the Crown to any person now holding the same: and that no provision of this Act shall be applicable or applied to any office granted or to be granted by the United Company of merchants trading to the East-Indies, or to any rules, regulations, or provisions, made by the said Company with respect to the appointment or leave of absence of any of their civil or military servants.

---

## 54 GEORGII III. Cap. CV.

AN ACT *to remove Doubts as to the Duties and Taxes heretofore imposed and levied under the Authority of the several Governments in the East-Indies.*

[23*d July* 1814.]

Whereas doubts have arisen as to certain duties and taxes heretofore imposed by the several governments of Fort William in Bengal, Madras, Bombay, and Prince of Wales' Island respectively: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all duties of customs and other taxes heretofore made or imposed, as well upon British subjects as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor-general in Council of Fort William in Bengal, the Governor in Council at Fort Saint George, the Governor in Council of Bombay, and the Governor in Council of Prince of Wales' Island, respectively, within the several towns of Calcutta and Madras, the town and island of Bombay and Prince of Wales' Island, and upon all persons whomsoever resident or being therein respectively, and in respect to all goods, wares, merchandizes, commodities, and property whatsoever, also being therein respectively, and also upon all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within the authority of the said governments respectively, and in respect of all goods, wares, merchandizes, commodities, and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising, or recovering, any such duties of customs or other taxes, or in anyways relating thereto, and all fines, penalties, and forfeitures heretofore imposed or levied by or under the authority of such Governor-general in Council and Governors in Council respectively, for the non-payment of such duties or taxes, or for the breach of any laws or regulations heretofore made by such Governor-general in Council and Governors in Council respectively, respecting such duties and taxes, shall be and the same are hereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations, and usages, under which any such duties, taxes, fines, penalties, and forfeitures, have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act made in the last session of Parliament, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;" any Act or Acts of Parliament or law to

Power of levying duties, &c. by the Governments in India confirmed.

53 G. 3, c. 155.

the contrary thereof in anywise notwithstanding, and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered, and all penalties and forfeitures for any breach of any such rules and regulations in relation to any such duties and taxes shall and may be sued for, recovered, and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred or arisen after the passing thereof.

Orders, &c. to remain in force, and persons indemnified.

II. And be it further enacted, that all such orders, regulations, usages, duties, taxes, fines, penalties and forfeitures, shall be and remain in full force and effect until the same respectively shall be repealed, altered, or varied, by any orders or regulations made and passed, or to be made and passed, under or by virtue of the said recited Act; and all persons who have been engaged or concerned in advising, passing, imposing, demanding, levying, or recovering any such orders, regulations, duties, taxes, fines, penalties, and forfeitures, shall be and are hereby indemnified in respect thereof, and of all proceedings and acts had, done, or taken under and according to the true intent and meaning of any such orders, regulations, or usages; and all actions and suits whatsoever which have been or hereafter shall be commenced, sued, or prosecuted, for or touching the receipt, collection, or imposition of any such duties, taxes, fines, penalties, or forfeitures, shall be and become absolutely null and void to all intents and purposes whatsoever, save and except for the purpose of recovering any costs which may have been incurred in any such action, and which hath been or may be awarded to be paid by any party thereto: provided always, that nothing herein contained shall extend to confirm any act or proceeding, or to indemnify any person or persons in respect of any act or proceeding, done without the authority or contrary to the true intent and meaning of any such order, regulation, or usage, as is hereby intended to be confirmed.

---

## 55 GEORGII III. Cap. LIX.

AN ACT *for amending an Act of his present Majesty, to insure the proper and careful Manufacturing of Fire-Arms in England, and for making Provision for proving the Barrels of such Fire-Arms.* [12*th May* 1815.]

Not to extend to arms made for his Majesty, or the East-India Company, or certain barrels specified.

V. Provided always, and be it further declared and enacted, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland, or to that part of the United Kingdom called Ireland (except as to the forging marks, as in this Act after mentioned) or to the proving of any barrels used in the manufacturing of any musket, pistol, or other fire-arms, for the use of his Majesty's forces, or for the Honourable East-India Company, or to any barrels of the description herein-after mentioned, *videlicet*, any barrels in the forged ground, finished or in any other state of manufacture, which shall be made or consist of stub or twisted stub, iron or other barrels, usually termed best barrels; (which said last-mentioned barrels may be and are hereby allowed to be sent, bought or received for the purposes aforesaid, in any number not exceeding the number of twenty, without being subject to any of the penalties of the said recited Act or this Act, except that such barrels shall be liable to the penalty for using barrels not duly proved and marked) * and nothing in this Act contained is to exempt, or be construed to exempt, such last-mentioned barrels from being proved and marked as required by the said recited Act and this Act.

## 55 GEORGII III. Cap. LXIV.

*An Act to explain and amend an Act of the Fifty-third Year of his present Majesty, as far as relates to the granting Gratuities by the East-India Company.* [25*th May* 1815.]

Whereas by an Act of Parliament passed in the fifty-third year of his Majesty's reign, for continuing in the East-India Company, for a further term, the possession of the British territories in India, and for other purposes, after reciting therein, that it was expedient that the said Company should be put under reasonable limitations in respect to the granting of gratuities, it was enacted, that from and after the passing thereof, it should not be lawful for the Court of Directors of the said Company to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or any other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose should have been sanctioned by the Court of Proprietors, and approved and confirmed by the Board of Commissioners for the affairs of India; and that copies of all warrants or instruments, granting any salary, pension, or gratuity, should be submitted to both Houses of Parliament within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting: and whereas the said last-mentioned enactment doth not fully effectuate the intention expressed in the preamble thereto; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall not be lawful for the said Company, or for the Court of Directors of the said Company, with the sanction of the Court of Proprietors of the said Company, to charge the funds of the said Company with the payment of any gratuity to any officer, civil or military, or other person, exceeding the sum of six hundred pounds, unless the grant or resolution for that purpose shall have been approved and confirmed by the Board of Commissioners for the affairs of India; and that copies of all warrants or instruments granting any salary, pension, or gratuity, shall be submitted to both Houses of Parliament within one month after such grant, if Parliament should be then sitting, or if not, within one month after their then next meeting.

53 G. 3, c. 155.

Company not to charge themselves with any gratuity exceeding £600, unless approved by the Commissioners for India affairs.

---

## 55 GEORGII III. Cap. LXXXIV.

*An Act to amend so much of an Act of the Thirty-third Year of his present Majesty, as relates to fixing the Limits of the Towns of Calcutta, Madras, and Bombay; and also so much of an Act of the Thirty-ninth and Fortieth Year of his present Majesty, as relates to granting Letters of Administration to the Effects of Persons dying intestate within the several Presidencies in the East-Indies to the Registrar of the Ecclesiastical Courts; and to enable the Governor in Council of the said Presidencies to remove Persons not being British Subjects; and to make Provision for the Judges in the East-Indies in certain cases.* [14*th June* 1815.]

Whereas by an Act of the Parliament of Great Britain, made and passed in the thirty-third year of his present Majesty's reign, intituled, "An Act for continuing in the East-India

33 G. 3, c. 52

Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" it was amongst other things enacted, that if any question should arise touching or concerning the true limits and extent of the towns and factories of Calcutta, Madras, and Bombay respectively, or any of them, the same should be inquired into by the Governor-general in Council at Fort William, in respect to the limits and extent of Calcutta, and by the Governor in Council at Fort Saint George in respect to the limits and extent of Madras, and the Governor in Council at Bombay in respect to the town of Bombay; and that such limits as the said respective Governments by order in council should declare and prescribe to be the limits of the said towns and factories respectively, should be held, deemed, and taken in law as the true limits of the same; any custom or usage to the contrary notwithstanding; and whereas by reason of the increase of the population of the towns of Calcutta, Madras, and Bombay, it is expedient that the several governments of Fort William, Fort Saint George, and Bombay, in the East-Indies, should be further empowered, in manner hereinafter mentioned, to extend from time to time the limits of the said several towns: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Governor-general in Council at Fort William in Bengal, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Calcutta; and to and for the Governor in Council at Fort Saint George, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Madras; and to and for the Governor in Council at Bombay, from time to time, as circumstances shall in their judgment require, to extend the limits of the town of Bombay; and that such extended limits as the said respective governments shall from time to time, in and by their respective orders in council, or by their regulations, declare and prescribe as aforesaid to be the limits of the said towns respectively, shall, from the time of publishing such orders in council, or regulations by proclamation, at the respective presidencies, be held, deemed, and taken, as and for the true limits of the same; and from time to time, as any extension shall be made thereof, all jurisdictions, powers, and authorities which by virtue of any Act or Acts of Parliament, or any Charter or Charters, or any law or usage, shall or may be bounded or regulated by the limits of the said towns respectively, shall thenceforth be bounded and regulated by the limits of the said towns respectively, as they shall be declared and prescribed from time to time in manner herein-before mentioned; any custom, law, or usage to the contrary notwithstanding: provided always, that no order in council or regulation hereafter to be made, and declaring or prescribing the limits of any of the said towns, shall be valid or effectual, until it shall have been sanctioned, or shall have been authorized to be made and passed by the Court of Directors of the United Company of Merchants of England trading to the East-Indies, with the approbation of the Board of Commissioners for the affairs of India.

Limits of the towns of Calcutta, Madras, and Bombay.

39 & 40 G. 3, c. 79.

II. And whereas by an Act passed in the thirty-ninth and fortieth year of the reign of his present Majesty, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and for the better Administration of Justice within the same," it was enacted among other things, that whenever any British subject should die intestate, within either of the presidencies of Fort William, Fort Saint George, or Bombay,

or the territories subordinate or to become subordinate thereto, and on return of the citation to be issued from the proper Ecclesiastical Court, no next of kin or creditor should appear and make out their claim to the administration of the effects of the intestate to the satisfaction of the said Court, it should and might be lawful for the registrar of such Court, and he was thereby required to apply for, and such Court was thereby directed to grant, letters *ad colligenda* or of administration to such registrar, in manner as the said Act set forth: and whereas the said Act doth not expressly provide for the cases of executors or administrators, or persons entitled to administration, as herein-after mentioned, not resident within the jurisdiction of such Courts, who may have appointed attornies resident or being therein; and it hath been doubted whether the said Courts were not required under the said Act, to grant letters *ad colligenda* or of administration to their registrars, in preference to attornies so appointed; and it is fit that such doubts be removed; be it therefore enacted and declared, that when the executor or administrator lawfully appointed, or the person entitled to administration as next of kin or residuary legatee with the will annexed, of any person deceased, whose effects shall be subject to the jurisdiction of any of the said Courts in respect to the granting of administration, not being resident within the jurisdiction of such Court, shall have appointed or shall hereafter appoint, either by power of attorney under seal, or by any other sufficient authority, to be shewn to the satisfaction of the said Court, any person or persons resident or being within such jurisdiction to act for such executor or administrator, or person entitled to administration as aforesaid, in collecting or administering in any manner the effects of the deceassd, the person or persons so appointed shall be entitled to obtain letters *ad colligenda* or of administration, either general or special, as the tenour of such authority and the nature of the case may require, preferably to the registrar of such Court, and all other persons to whom such executor or administrator, or persons entitled as aforesaid, would have had a preferable claim, if personally resident within the jurisdiction of the said Court.

Letters of administration to attornies or executors.

III. And be it further enacted, that where any such letters *ad colligenda* or of administration shall have been granted to the registrar of such Court, and application shall be afterwards made by any person or persons so appointed as aforesaid for the revocation thereof, in order to grant other letters to such person or persons, the letters so granted to such registrar shall be revoked, unless it shall appear to the said Court that there has been unreasonable delay, either in the transmission of the authority under which such application is made, or in making such application: provided always, that when any letters *ad colligenda* or of administration shall have been actually granted to the registrar of any such Court by virtue of the Act herein-before recited, and shall be revoked on the application of such attorney or attornies as aforesaid, it shall be lawful for such Court, if they shall think fit, to direct that the whole or part of any commission, in respect to the administration of assets which may arise or become due by virtue of any reasonable custom, obtaining within the jurisdiction of such Court, shall be allowed to such registrar out of any assets which may have come to his hands, regard being had to the trouble and responsibility actually incurred, and to the service rendered by the said registrar in the collection of such assets: provided also, that nothing in this Act contained shall be construed to render necessary the taking out of letters *ad colligenda* or of administration from any of the Courts aforesaid, by any such attorney or attornies, otherwise than it would have been if this Act had not been made; and that no claim or right to any such commission in respect of administration of effects as aforesaid, shall be deemed to accrue to any such attorney or attornies by reason of letters *ad colligenda* or administration, taken out by him or them in virtue of such authority as aforesaid, nor any

Making void letters of administration to registrar.

other or further commission than would have been payable to him or them as agents, either according to the usual and reasonable rates of such an agency, or by special agreement.

Not to affect the rights of persons entitled to probates of wills of administration of effects of persons who shall have died before the passing of this Act, &c.

IV. Provided also, and be it further enacted, that this Act shall not, nor shall anything herein contained, in anywise prejudice or affect the rights, claims, actions, suits, or appeals of any person or persons being entitled to or claiming to be entitled, either as principal or principals, attorney or attornies, to the probate or probates of any will or wills, codicil or codicils, or letters *ad colligenda* or of administration of the goods, chattels, and effects of any person or persons who shall have died before the passing of this Act; nor the rights, claims, actions, suits, or appeals of any person or persons claiming or suing, or to claim or sue for the recall or repeal of any letters *ad colligenda* or of administration, granted of the goods, chattels, or effects of any person or persons who shall have died before the passing of this Act, which may have been or shall be granted to any such registrar as herein-before mentioned; nor to the rights, claims, actions, suits, or appeals of any person or persons claiming or to claim as executors, legatees, or next of kin of any person or persons who shall have died before the passing of this Act, in any way relating to the goods, chattels, property, estate, or effects of such deceased person or persons, or to the transactions, acts, deeds, neglects, defaults, intermeddlings, or accounts of any such registrar relating to any such goods, chattels, property, estate or effects, or under or by pretence of any letters *ad colligenda* or of administration, which may have been granted to him; nor in any way to entitle any such registrar to any commission, compensation, or allowance in respect of any thing done or to be done by him in relation to the goods, chattels, debts, credits, estate, or effects of any person or persons who shall have died before the passing of this Act, which he would not have been entitled to if this Act had not been passed; but every person being entitled to or claiming any such probate or probates, letters *ad colligenda* or of administration, or to have any such letters *ad colligenda* or of administration, recalled or repealed, or having or being entitled to, or claiming or to claim any such cause or causes of action, suit, or appeal, shall be entitled thereto, and all benefit and advantage thereof, and to prosecute and carry on the same, in the same manner, as he, she, or they would have been entitled if this Act had not been passed.

Registrar when appointed administrator, to enter in a book separate accounts.

V. And be it further enacted, that in all cases in which the registrar of any of the said Courts shall be appointed administrator under the aforesaid Act, besides filing an inventory and account current according to the tenour of the administration bond and the usual course of the Ecclesiastical Court, he shall enter into a book, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds, and other securities for money, goods, effects and things as shall come to his hands, or to the hands of any persons employed by him or in trust for him by virtue of any letters *ad colligenda* or of administration granted to him under the authority of the said Act, and likewise of all payments made by him for or on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said book shall be kept in the registrar's office, and shall be open for the inspection of all such persons, practitioners in the said Courts or others, as may have occasion to inspect the same, at office hours, paying such reasonable fee as may be fixed therefore by the said Courts, and no more; and the said registrars shall twice in every year, that is, on the first day of March and on the twenty-second day of October, or on the first day after those days on which their respective Courts shall be sitting, exhibit and deliver in open Court, a true and

perfect schedule of all sums of money, bonds, or other securities, received on account of each estate remaining under their charge, together with the payments made thereout, and the balances; and also of all administrations whereof the balances shall have been paid over to the persons entitled to the same, since the period of exhibiting the last schedule, specifying the amount of such balances, and the persons to whom paid; which schedules shall be filed of record in the said Courts, and shall within fourteen days afterwards be published in the Gazettes of the presidencies within which such Courts are respectively situated, by the said registrar, who shall likewise cause copies thereof, in triplicate, to be delivered to the chief secretary at such presidency, and the same shall be transmitted by the respective Governments at such presidencies to the Court of Directors of the East-India Company, who, upon the receipt thereof, shall cause the same to be published in the *London Gazette*.

Removal of persons not being British subjects.

VI. And whereas it is expedient that the several Governments in the East-Indies should be enabled to prevent subjects of foreign states from residing or sojourning within the British territories there against the consent of such governments respectively; be it further enacted, that it shall and may be lawful to and for the Governor-general in Council, and to and for the Governor in Council or chief officer for the time being of any presidency, or of any place not being subordinate to any presidency under the government of the United Company of Merchants of England trading to the East-Indies, to cause notice in writing to be given to any person, not being a native of any part of the British territories in India, or within the limits of the Charter of the said United Company, other than such natural-born subjects of his Majesty as may from time to time lawfully resort to or reside in the East-Indies, to remove himself or herself from such presidency, or from all or any part of the British territories in the East-Indies, as may be deemed expedient, within a time to be limited by such notice: and in case any such person shall not obey such notice, then it shall and may be lawful to and for the Governor-general in Council or Governor in Council, or other chief officer (as the case may be) of the place where such person shall be found, to cause such person to be apprehended and brought before the Court of Civil or Criminal Judicature, to the jurisdiction whereof such place may be subject; and upon proof being made upon oath to the satisfaction of such Court, by any credible witness swearing to his knowledge or belief, stating the ground of such belief, that such person is an alien and the subject of a foreign state, and that such notice as aforesaid has been served on such person, either personally or by leaving the same at his dwelling-house, unless such person shall prove that he is a natural-born subject of his Majesty authorized to reside in India, or a native of the British territories in India, or within the limits of the Charter of the Company, for the making which proof reasonable time and opportunity shall be allowed by the said Court, such person shall be remanded by the said Court into the custody of the Governor-general, Governor, or chief officer, who shall, as soon as may be, cause such person to be removed in such manner as his or her rank, state, and condition in life shall require, by the first convenient opportunity, to the country or place to which he or she shall belong, if he or she shall be willing to go thereto, or otherwise to such country or place as the Governor-general, Governor, or officer by whose authority he or she shall have been apprehended or shall be detained, shall be of opinion shall be most proper, regard being had to the convenience of the person to be removed, and the peace and security of the British territories in the East-Indies, and of the allies of his Majesty and the East-India Company, and of any neighbouring princes or states; and in the mean-time and until such person can be conveniently and properly removed, it shall and may be lawful to detain him or her in such custody or under such guard as the person by whose authority he or she shall have been apprehended or shall be detained shall see fit and neces-

sary, so as that the person detained may be put to as little inconvenience as shall be, consistent with the object of his or her detention; and in case any such person, having removed him or herself in pursuance of any such notice, or having been so removed, shall again wilfully return to any country or place from which he or she shall have had notice to remove, without the consent of the Government or chief officer of the place to which he or she shall so return, it shall and may be lawful to and for the Governor-general in Council, or Governor in Council, or chief officer of the place where such person shall be found, to cause such person to be apprehended and detained in safe custody, until he or she shall be discharged out of custody, upon such terms and conditions as the Governor-general in Council, Governor in Council, or other chief officer at the place where he or she shall be detained, shall deem sufficient for the peace and security of the British territories, and of the allies of his Majesty and of the East-India Company, and of the neighbouring princes and states.

Warrant or authority for apprehension.

VII. And be it further enacted, that it shall be lawful to carry into execution any warrant or authority for the apprehension, detention or removal of any such person or persons as aforesaid, notwithstanding he, she, or they may be in custody, or delivered to bail, or in execution on any civil process, and notwithstanding any licence, privilege or protection whatsoever; any law, statute, or usage to the contrary notwithstanding: provided always, that no British subject, nor any native of the British territories in India, or within the limits of the Charter of the said Company, shall be apprehended, detained, or removed, by virtue of any of the provisions herein contained, nor shall any thing herein contained in anywise alter or affect any law or statute under or by virtue of which any British subject may resort to or is restrained from resorting to the East-Indies: provided also, that it shall not be lawful to apprehend, detain or remove any person being the subject of any foreign state, under or by virtue of this Act, in any way inconsistent with any treaty made or to be made by his Majesty or the East-India Company, and to the benefit of which such person shall be entitled.

Judges' Pensions. 37 G. 3, c. 142.

VIII. And whereas by an Act passed in the thirty-seventh year of his Majesty's reign, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," it was enacted among other things, that it should be lawful for his Majesty, his heirs and successors, under certain limitations in the said Act expressed, to direct the payment of a yearly sum out of the territorial revenues in India to any Chief Justice or other Judge of the Supreme Court of Judicature at Fort William in Bengal, who should have resided in India as Judge of the said Supreme Court for seven years, and to any Recorder of the Court of Judicature at Bombay, who should have resided in India as such Recorder (1) for five years, and who, from age, infirmity, or other cause, to be approved by his Majesty, his heirs or successors, should return to Europe, not exceeding to any such Chief Justice two thousand pounds per annum, to any such Judge fifteen hundred pounds per annum, or to any Recorder of Bombay (1) twelve hundred pounds per annum: and whereas also by the Act herein-before mentioned of the thirty-ninth and fortieth year of his Majesty's reign, it was enacted, that it should be lawful for his Majesty, his heirs and successors, under certain limitations therein also expressed, to direct an allowance from the said revenues to any Chief Justice or Judge of the Supreme Court of Judicature at Madras, who should have resided in India for seven years, either as Chief Justice or Puisne Judge of the said Court at Fort William, or of the said Court at Madras, and should return to Europe, for any such cause, and with such approbation as aforesaid, not exceeding to such Chief Justice sixteen hundred pounds per annum, nor to such Puisne Judge twelve hundred pounds per annum: and whereas it is expedient that provision

should be made respecting the said allowances, in case of the promotion or removal of any person from any of the said Courts to any other thereof, and also in case of the resignation of any Chief Justice, Judge, or Recorder(1) of any of the said Courts, with the approbation of his Majesty, although the person so resigning should not return to Europe; be it therefore enacted, that where any person shall have resided in India seven years, either as Chief Justice or Judge of his Majesty's Supreme Courts of Fort William or Madras, or Recorder of Bombay, and shall, from age, infirmity, or other cause, to be approved of by his said Majesty, resign such office, it shall be lawful for his Majesty to direct the payment out of the territorial revenues, to such person, of a yearly sum not exceeding the highest rate of allowance limited by the said Acts to such one of the said offices of Chief Justice or Judge at Fort William, Chief Justice or Judge at Madras, or Recorder(1) at Bombay, as the said person shall have filled, provided he shall have filled the same for four years at the least; and that such allowance shall be payable to such person, although he shall not return to Europe: provided, that if such person be thereafter re-appointed to any of the said offices, such payment shall from thenceforward cease.(2)

(1) [There is now no Recorder at Bombay; a Supreme Court having been established under 4 Geo. 4, cap. 71.]

(2) [The amount of retiring pensions and period of residence required as a qualification have been varied by later enactments. The existing provisions with regard to both will be found in 6 Geo. 4, cap. 85, sec. 7 to 12.]

No action to be commenced against the Company until after twenty days' notice; nor after three years after the cause of complaint.

IX. And be it further enacted, that no action or suit shall be commenced against the said United Company, or any of their servants, or any person or persons whomsoever, for any thing done in pursuance or under colour of this Act, until twenty days' notice shall have been given to the said Company, or to the person or persons respectively against whom the same is to be brought, or after a sufficient satisfaction or tender thereof shall have been made to the party or parties aggrieved, nor after three years next after the cause of complaint shall have arisen; and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon,(1) and that the same was done in pursuance and by authority of this Act; and if it shall appear to be so done, or that a sufficient satisfaction or tender thereof hath been made before the commencement of such action or suit, or that such action or suit hath been commenced after the time limited for bringing the same, or in any other manner than as directed by this Act, the plaintiff or plaintiffs shall become nonsuited; and in such case, or in any other cases wherein the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, or wherein judgment shall be given against such plaintiff or plaintiffs upon demurrer, or objection in nature of a demurrer, or where a verdict, or judgment in nature of a verdict, shall pass for the defendant or defendants, he or they shall have treble costs awarded, to be paid by the respective plaintiff or plaintiffs in such action or suit.

(1) See 10 Geo. 3, cap. 47, sec. 5 and 7.]

## 56 GEORGII III. Cap. LXXXII.

AN ACT *to render valid the Judicial Acts of Surrogates of Vice-Admiralty Courts abroad, during vacancies in Office of Judges of such Courts.* [25*th June* 1816.]

Acts of Surrogates appointed by Judges, or by Governors of plantations and colonies, rendered valid.

Whereas it is requisite that due validity should be given to the judicial acts of Surrogates who have executed the offices of Judges in the Courts of Vice-Admiralty established in his Majesty's plantations and colonies, during vacancies occasioned by the deaths or resignation or other removals of the said Judges, or who also shall hereafter execute the same during such vacation; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all judicial acts of Surrogates having been appointed to act as Judges during such vacancies, either by Judges of the said Courts previously to their removal, or, in default of such appointment, by the Governors of the plantations and colonies in which such Courts shall be, shall have the same force and validity, and shall be subject to the same course of appeal, as if the said acts had been done by the authority of Judges regularly appointed by the Lords Commissioners of the Admiralty.

---

## 57 GEORGII III. Cap. LVII.

AN ACT *to empower his Majesty to suspend Training, and to regulate the Quotas of the Militia.* [30*th June* 1817.]

Persons enlisting militia-men for the East-India Company's service subject to the penalties of recited Act.

III. And whereas doubts have arisen whether officers, serjeants, or other persons enlisting men to serve the United Company of merchants of England trading to the East-Indies, are subject to the penalties, forfeitures, and provisions contained in the said recited Act of the forty-second year aforesaid, in relation to enlisting into his Majesty's other forces men enrolled or engaged to serve in the militia; and whether militia-men so enlisting, or militia-men offering themselves to serve for any other parish or place than the parish or place for which they are first enrolled, are within the provisions of the said Act contained in relation to offering to be enrolled in any other regiment, battalion, or company of militia; for remedy whereof, be it declared and enacted, that every officer, serjeant, or person who shall wilfully or knowingly enlist any man to serve the United Company of merchants of England trading to the East-Indies, who at the time of such enlisting shall be enrolled or engaged to serve in the militia, shall be and be deemed to be within the provisions of the said recited Act, and shall be subject to the penalties and forfeitures therein contained for enlisting militia-men to serve in his Majesty's other forces; and that every militia-man offering to enlist to serve the United Company of merchants of England trading to the East-Indies, who shall deny to the officer, serjeant, or other person recruiting men for such service, that he is at the time of such offering a militia-man, or who shall offer himself to be enrolled and be en-

rolled as a militia-man for any other parish or place than the parish or place for which he shall be then enrolled and serving, although in the same regiment, battalion, or corps, shall be subject and liable to the provisions of the said Act contained for the punishment and subsequent service of militia-men offering to enlist in his Majesty's other forces, or to be enrolled and serve in any other regiment, battalion, or corps of militia; any thing in the said recited Act contained to the contrary notwithstanding.

Militia-men offering to be enrolled for another parish subject to punishment under recited Act for enlisting into another regiment, &c.

---

## 58 GEORGII III. Cap. LXXXIII.

AN ACT *to amend and reduce into one Act the several Laws relating to the manner in which the East-India Company are required to hire Ships.* [*5th June* 1818.]

The discontinuance of the Company's trade has rendered it unnecessary to insert any portion of this Act, except the 7th, 8th, 10th, 11th, 14th, and 15th sections.

Court of Directors may take up ready-built ships for their service, in case of unforeseen exigency.

VII. And be it further enacted, that in cases of unforeseen exigency, which cannot be answered conveniently by any ship or a sufficient number of ships in the service of the said Company, and which will not admit of delay, it shall and may be lawful to and for the said Court of Directors, or for any one of their several governments abroad, to hire any ship or ships which can be procured to answer such exigency; provided that public notice shall be given by advertisement of the ships and tonnage wanted and the service required, fourteen days at least previous to the time appointed for taking up the same; and the proposals to be made in pursuance of such advertisement shall be put into a box locked and sealed, which shall not be opened except publicly in a Court of Directors, or by the Governor and Council or chief agents of the said Company at any place within the limits of the Charter of the said Company where it shall be necessary to hire any such ship or ships; and then the lowest tender or tenders shall be accepted, without favour or partiality, if it or they shall be deemed reasonable, and if upon a due examination and survey the ship or ships tendered shall appear in all respects fit for the service required: provided always, that the engagement or employment of such ships shall not extend beyond the duration of the particular service for which they shall have been specifically hired.

In cases of unforeseen exigency, ships may be taken up for one voyage by private contract.

VIII. Provided also, and be it further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, or their said Governments abroad, in cases of unforeseen and pressing exigency, to hire and take up by private contract, with or without advertising, any ship or ships whatsoever for any particular purpose; provided that no such ship shall be hired or taken up for more than one voyage, and that the reasons for taking up any such ship or ships at home in less time than fourteen days as aforesaid after the publication of an advertisement, be stated in the minutes of the said Court of Directors, and reported to the Court of Proprietors that shall next be holden after such hiring and taking up; and that the reasons for taking up any such ship or ships abroad in less time than fourteen days after the publication of an advertisement as aforesaid, be stated in the

minutes of the proceedings of the government by which such ship or ships shall be taken up, and be communicated to the Court of Directors as soon as conveniently may be afterwards.

Court of Directors may take up ships whether built for the service or not, or whether new ships or ships employed before, for a voyage out or home, to any place except China.

X. Provided always, and be it further enacted, that it shall and may be lawful to and for the Court of Directors of the said United Company, if they shall see fit, in the manner and according to the provisions herein contained as to hiring ships to be built for the service of the said Company, to advertise for, hire, and take up for trade and warfare and any other service, or for trade only, or for any specific service, as the said Court of Directors shall see fit, any ship or ships, whether built expressly for the service of the said United Company or any other service, and whether new ships or ships which shall have been then before employed in any service whatsoever, so as the registered measurement of such ships shall not be more than eight hundred tons, for one voyage or for a voyage out or a voyage home, as the said Court shall think proper, to and from, or to or from any ports or places, port or place whatsoever, within the limits of the said Company's Charter, except the dominions of the Emperor of China.

But not to authorize the employment of any ship under the measurement prescribed by 53 G. 3, c. 155.

XI. Provided also, and be it further enacted, that nothing in this Act contained shall authorize the employment by the said Company of any vessel, the registered measurement of which vessel shall be under the burthen prescribed (1) by an Act of the fifty-third year of the reign of his present Majesty, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice, within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;" or which may be prescribed by any Act hereafter to be passed for vessels carrying on trade between the United Kingdom and the places within the limits of the East-India Company's Charter.

(1) [350 tons.]

Act not to extend to vessels belonging to marine war establishments in India; nor to prevent the Company from consigning goods by private ships.

XIV. Provided also, that nothing herein contained shall extend, or be construed to extend, in anywise to relate to any of the ships or vessels belonging to or employed in the marine war establishment of the said United Company in the East-Indies; but it shall and may be lawful to and for the said United Company and their Court of Directors, and servants abroad, to hire, take up, and employ vessels for those purposes only, in such manner as they shall see fit; nor shall this Act extend, or be any ways deemed in any way to prevent the said United Company or their Court of Directors, or any of their officers or servants, from causing any goods to be loaded and carried on their account on board any private ship or vessel, though not chartered to or in the service of the said United Company.

Company's by-laws, where not inconsistent with this Act, to remain in force.

XV. Provided also, and be it further enacted, that all and every and so much and such parts of the by-laws, rules and regulations of the said United Company and of their Court of Directors, now in force, and hereafter to be made, anyway relating to shipping concerns of the said Company, and to the commanders and officers in their service, which are not or shall not be inconsistent with or repugnant to the provisions hereby enacted, shall remain and be of the same validity, force and effect, and shall be observed in like manner to all intents and purposes, as the same by-law, rules and regulations, or such parts thereof as aforesaid, would have been in force, and ought to have been observed, if this Act had not been made, or to restrain the said Company from repealing or making any by-laws, so as they shall not be inconsistent with the provisions herein contained; this Act or anything herein contained to the contrary thereof in anywise notwithstanding.

## 58 GEORGII III. Cap. LXXXIV.

*An Act to remove Doubts as to the Validity of certain Marriages had and solemnized within the British Territories in India.* [5th *June* 1818.]

Whereas doubts have arisen concerning the validity of marriages which have been had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established: and whereas it is expedient that such doubts should be quieted, and that the law respecting such marriages should be declared for the future; be it declared and enacted; and it is hereby declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all marriages heretofore had and solemnized, or which shall be had and solemnized within the said territories in India, before the thirty-first day of December now next ensuing, by ordained ministers of the Church of Scotland as by law established, shall be, and shall be adjudged, esteemed, and taken to have been, and to be, of the same and no other force and effect as if such marriage had been had and solemnized by a clergyman of the Church of England, according to the rites and ceremonies of the Church of England; and that from and after the said thirty-first day of December now next ensuing, all marriages between persons, both or one of such persons being members or member of or holding communion with the Church of Scotland, and making a declaration to the effect herein-after mentioned, which marriages shall be had and solemnized within the British territories in India, by ordained ministers of the Church of Scotland as by law established, and appointed by the United Company of merchants of England trading to the East-Indies to officiate as chaplains within the said territories, shall be, and shall be adjudged, esteemed, and taken to be, of the same and no other force and effect as if such marriages were had and solemnized by clergymen of the Church of England, according to the rites and ceremonies of the Church of England: provided always, that from and after the said thirty-first day of December, no such marriage as aforesaid shall be had and solemnized, till both or one of such persons, as the case may be, shall have signed a declaration in writing, in duplicate, stating that they, or he or she, as the case may be, are or is members or member of or holding communion with the Church of Scotland by law established.

Marriages solemnized in India before 31st December by ministers of the Church of Scotland to be of the same force as if solemnized by clergymen of the Church of England: and after that period, marriages between persons of the Church of Scotland by ministers of that communion, and appointed by the East-India Company, to be valid.

Declaration to be made by parties.

II. And be it further enacted, that the minister by whom such marriage shall be solemnized, shall, immediately upon the solemnization thereof, certify such marriage by a writing under his hand in duplicate, subjoined to or indorsed upon the declaration in duplicate herein-before mentioned, specifying in such certificate the names and descriptions of the parties between whom and of the witnesses in whose presence the said marriage has been had and solemnized, and the time and place of the celebration of the same; and such certificate in duplicate shall be also signed forthwith by the parties entering into such marriage, and by the witnesses to the same; and the minister officiating shall deliver one duplicate of such declaration and certificate to the persons married, or to one of them, and shall transmit the other duplicate of such declaration and certificate to the Chief Secretary of Government at the Presidency within which such marriage shall have been had and solemnized.

Minister shall certify the marriage; and shall deliver a duplicate of the certificate to the party, and transmit another to the secretary of the Presidency.

## 59 GEORGII III. Cap. XXV.

AN ACT *to enable his Majesty to fix the Rate and direct the Disposal of Freight Money, for the Conveyance of Specie and Jewels on board his Majesty's Ships and Vessels.* [*8th April* 1819.]

Whereas it is expedient that his Majesty should be authorized to fix the rate and direct the disposal and distribution of freight money for the conveyance of specie and jewels on board his Majesty's ships and vessels; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all freight money to be paid for the conveyance in any of the ships and vessels of his Majesty, his heirs and successors, of gold, silver and jewels, or of any other article which may be by special order received on board the said ships and vessels, and for which freight shall be payable, shall be paid at such rate, and distributed and applied to such purposes, and divided to and amongst such persons in such proportions and after such manner as his Majesty, his heirs or successors, shall from time to time think fit to order and direct, by any proclamation or proclamations to be issued for that purpose; and that no freight money or reward shall hereafter be demanded, paid, received or retained, by, to, or for the use or on account of any person or persons, for the conveyance on board of any of the ships or vessels of his Majesty, his heirs or successors, of any gold, silver, or jewels, or any other article, which may be by special order received on board the said ship or vessel, and for which freight shall be payable, other than for the purposes and by the person or persons, in the proportion, at the rates, and in the manner so to be paid and allowed by proclamation or proclamations; and that all bargains, contracts, covenants and agreements, made or entered into, or hereafter to be made or entered into, for the payment of any freight money for or in the name or on the account of freight for the conveyance of gold, silver, or jewels, or other articles as aforesaid, on board of any of his Majesty's ships or vessels, at any other rate, or for any other purpose, or by or to any other person or persons, or in any other manner or proportions than as aforesaid, shall be and the same are hereby declared to be utterly void.

All freight to be paid for the conveyance on board his Majesty's ships and vessels, of gold, silver, or other valuable articles, shall be divided in the manner directed by proclamation.

---

## 59 GEORGII III. Cap. LIV.

AN ACT *to carry into Effect a Convention of Commerce concluded between his Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.* [*2d July* 1819.]

VI. And whereas it is expedient that vessels built in the countries belonging to the United States of America, or any of them, or condemned as prize there, and being owned and navigated as herein-before mentioned, should be allowed to clear out from any part of the United Kingdom for the principal Settlements of the British dominions in the East-Indies,

Vessels of American-build allowed to clear out for the British settlements in the East-Indies subject to the same regulations as British-built vessels.

*videlicet*, Calcutta, Madras, Bombay, and Prince of Wales' Island, with any articles which may legally be exported from the United Kingdom to the said Settlements in British-built ships; be it therefore further enacted, that all vessels built in the said United States of America, or any of them, or condemned as prize there, and being owned and navigated as herein-before mentioned, shall be allowed to clear out from any port of the United Kingdom for the following principal Settlements of the British dominions in the East-Indies, *videlicet*, Calcutta, Madras, Bombay, and Prince of Wales' Island, with any goods, wares, or merchandize which may be legally exported from the United Kingdom to the said settlements in British-built vessels, subject to the like rules and regulations, restrictions, penalties, and forfeitures, as are now by law imposed upon the exportation of such goods to the said Settlements in British-built ships; any law, custom, or usage to the contrary notwithstanding.

XII. And be it further enacted, that this Act shall continue in force so long as the aforesaid further convention between his Majesty and the United States of America, and the aforesaid treaty between his Majesty and his royal Highness the Prince Regent of Portugal, and so long as any treaty to be made with any foreign power with the similar provision herein-before recited, shall respectively continue in force. Continuance of Act.

---

## 59 GEORGII III. Cap. LX.

AN ACT *to permit the Archbishops of Canterbury and York, and the Bishop of London, for the time being, to admit Persons into Holy Orders specially for the Colonies.* [2*d July* 1819.]

Whereas it is expedient that the Archbishops and Bishops of this realm should from time to time admit into holy orders persons specially destined for the cure of souls in his Majesty's foreign possessions, although such persons may not be provided with the title required by the canon of the Church of England, of such as are to be made ministers: and whereas it will greatly tend to the advancement of religion within the same, that due provision shall be regularly made for a supply of persons properly qualified to serve as parsons, vicars, curates, or chaplains; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act it shall be lawful for the Archbishop of Canterbury, the Archbishop of York, or the Bishop of London, for the time being, or any bishop specially authorized and empowered by any or either of them, to admit into the holy orders of deacon or priest any person whom he shall upon examination deem duly qualified specially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity in his Majesty's colonies or foreign possessions and residing therein, and that a declaration of such purpose and a written engagement to perform the same under the hand of such person, being deposited in the hands of such archbishop or bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case it shall be distinctly stated in the letters of ordination of every person

Archbishop of Canterbury or York, or Bishop of London, or any bishop specially authorized by any of them, may ordain specially for the colonies.

The fact to be stated in the letters of ordination.

so admitted to holy orders, that he has been ordained for the cure of souls in his Majesty's foreign possessions.

The remaining sections relate to the ecclesiastical privileges and disabilities in Great Britain and Ireland of persons thus ordained.

---

## 59 GEORGII III. Cap. LXIX.

AN ACT *to prevent the Enlisting or Engagement of his Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping, in his Majesty's Dominions, Vessels for Warlike Purposes, without his Majesty's Licence.* [3*d July* 1819.]

Penalties not to extend to persons entering into military service in Asia.

XII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to subject to any penalty any person who shall enter into the military service of any prince, state, or potentate in Asia, with leave or licence, signified in the usual manner, from the Governor-general in Council, or Vice-president in Council, ot Fort William in Bengal, or in conformity with any orders or regulations issued or sanctioned by such Governor-general or Vice-president in Council.

---

## 1 GEORGII IV. Cap XXXV.

AN ACT *for the better securing Monies and Effects paid into the Court of Exchequer at Westminster, on Account of the Suitors of the said Court, and for the Appointment of an Accountant-general and Two Masters of the said Court; and for other Purposes.* [8*th July* 1820.]

Order of the Court of Exchequer at Westminster, 17th July 1747, as to securing of the suitors' money.

Whereas his Majesty's Court of Exchequer at Westminster did, on the seventeenth day of July one thousand seven hundred and forty-seven, make an order touching the money belonging to the suitors of that Court, whereby after reciting that his Majesty's remembrancer of the said Court and his deputy, had informed the said Court, that there were standing in the name of the said deputy, in the books of the Governor and Company of the Bank of England, and in the books of the South Sea Company, divers sums in certain stocks and annuities of the said Companies respectively, which had been purchased with the money of the suitors of the said Court, or were belonging to them, and that no declaration of trust had been or could be made in relation thereto, in the books of the said several Companies, without an order of the said Court for that purpose; it was ordered, that the said deputy remembrancer should cause the said sum to be transferred in the books of the said Companies into his name, as deputy remembrancer of the said Court, in trust to attend the orders of the said Court in the several causes to which the same respectively belonged; and that for the future all other sums of stock or annuities, or any other transferrable securities for the benefit of or belonging to the suitors of the said Court, should be in like manner

transferred in trust to attend the orders of the said Court, to be made in the several causes to which the same should respectively belong; and that the said deputy remembrancer should from time to time receive the dividends or interest to arise on all the said securities, in order to apply the same for the benefit of the suitors, pursuant to the orders of the said Court; and by the said order, certain other regulations were made for the conduct of the said deputy remembrancer in the sale and transfer of such stocks and securities, and the receipt of the dividends and interest thereon: and whereas several effects of the suitors of the said Court were and from time to time have been delivered into the Bank of England and elsewhere, and divers stocks, funds, and annuities were and have been transferred from time to time in the books of the Bank of England and elsewhere, South Sea Company, and East-India Company, into the name of the deputy remembrancer of the said Court for the time being, and are now standing in the said books in the name of Abel Moysey, Esq., the present deputy remembrancer of the said Court; but no declaration of trust relating thereto has been made in the books of the said several Companies, according to the said order, and large sums of money or securities for money belonging to the said suitors, are now in the hands, custody, or power of the said Abel Moysey; and it is expedient that a fit and proper person should be appointed to be accountant-general of the said Court, in whose name all effects, stocks, funds, annuities, and securities belonging to the said suitors, might become and be from time to time securely vested for the use of the said suitors, and who might keep the account of the funds of the said suitors, but who should have no power to dispose of or otherwise intermeddle with such funds, further or otherwise than as herein-after directed: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, no sum or sums of money, stocks, funds, or securities whatsoever, belonging to the suitors of the said Court, shall be paid or transferred to or become vested in the deputy remembrancer of the said Court, or the King's remembrancer or his deputy for the time being, otherwise than as herein-after is directed; any thing in the said recited order, or any law, usage, or custom of the said Court to the contrary in anywise notwithstanding.

Effects, &c. of suitors disposed of under recited order.

No money, &c. shall be paid to deputy remembrancer, under said order, after the passing of this Act.

II. And, to the end that the accounts between the suitors of the said Court of Exchequer and the Governor and Company of the Bank of England, and every other body politic or corporate, or company whom it may concern, may be more regularly and plainly kept, and the state of such accounts be at all times seen and known; be it enacted, that as soon as may be after the passing of this Act, there shall be appointed by the Lord Chief Baron of the said Court of Exchequer, by writing under his hand and seal, to be duly enrolled among the records of the said Court, one person who shall act and do all matters and things relating to the delivering, securing, and investing of the money and effects of the suitors of the said Court, and the payment, selling, and transferring of the same, and the keeping the accounts with the Bank of England, or any other body politic or corporate, or company, and other matters relating thereto; which said officer so to be appointed shall be called, "The Accountant-general of the Court of Exchequer," and such person shall also be one of the masters of the said Court, and shall hold such offices during his good behaviour in the said offices; and accounts shall be raised and kept causewise in the books of the Bank of England, and of every other body politic or corporate, or company whom it may concern, to be respectively intituled "The Account of A. B. the Accountant-general of the Court of Exchequer," for and on behalf of the suitors of the said Court, in like manner as such accounts are kept between the Accountant-general of the Court of Chancery and the Bank of England, or any

An Accountant-general of the said Court shall be appointed by the Lord Chief Baron of the Exchequer.

other body politic or corporate, or company, and all such rules, methods, and directions as by this Act are prescribed to the suitors of the said Court of Exchequer, or to the said Accountant-general of the said Court, or to the Governor and Company of the Bank of England, or any other body politic or corporate, or as shall or may be ordered or prescribed by the said Court of Exchequer, or by the Lord Chief Baron, or by the baron to be nominated and appointed by his Majesty, under and by virtue of the Act herein-after mentioned, from time to time, as to the delivering, securing, and investing, or the paying, selling, or transferring of the monies, stocks, funds, securities, and effects of the suitors of the said Court of Exchequer, shall be observed by the suitors, the Governor and Company of the Bank of England, and every other body politic or corporate, or company, and the Accountant-general, under the provisions of this Act.

Accountant-general not to meddle with the suitors' money, but only keep account with the Bank, &c.

III. And, to the end that all misapplication or wasting of the suitor's money may be entirely prevented, be it therefore enacted, that the Accountant-general of the said Court of Exchequer for the time being shall not meddle with the actual receipt of any of the money or effects of the suitors of the said Court, but shall only keep the account thereof with the Governor and Company of the Bank of England, and every other body politic or corporate, or company whom it may concern; and such Accountant-general observing the rules by this Act prescribed, or hereafter to be prescribed to him by the said Court of Exchequer, shall not be answerable for any money or effects which he shall not actually receive; and the Bank of England, or such other body politic or corporate, or company, shall be answerable for all the monies and effects of the suitors which are or shall be actually received by them respectively.

Mortgages, &c. shall be taken, and remain in the name of the Accountant-general.

IV. And be it further enacted, that all mortgages, stocks, funds, annuities, and such other transferrable securities, to be hereafter taken by the directions of the said Court, or of the Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, for the benefit of the suitors, shall, if appointed to be taken in the name of any officer of the said Court, be taken in the name of the said Accountant-general; and that in all such transferrable securities to be hereafter taken in his name, the particular trust shall be specified and inserted in the security itself, and such other rules and methods of proceeding shall be had and observed with respect to such transferrable securities by the Accountant-general and others, as in and by this Act are directed, or as shall be directed by the said Court of Exchequer, or by the Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, to be observed by the Accountant-general for the time being, and all other persons respectively.

All acts done by Accountant-general under order of Court, declared to be valid.

V. And be it further enacted, that all Acts to be done by any such Accountant-general for the time being, under any order or orders, decree or decrees of the said Court of Exchequer, or of the Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, touching any real or personal estate, property, or effects by this Act vested or intended to be vested in any such Accountant-general, and in succeeding Accountants-general, shall by force of this Act be deemed and taken to be valid and effectual to all intents and purposes whatsoever.

All funds and securities standing in the name of the present deputy remembrancer, shall become vested in and transferred to the account of the Accountant-general, upon his appointment.

VI. And be it further enacted, that when and so soon after the passing of this Act as any person shall be appointed to be Accountant-general of the said Court of Exchequer, all stocks, funds, annuities, and securities whatsoever, which at the time of the appointment of such Accountant-general shall be standing in the name of the said Abel Moysey, as the Deputy-remembrancer of the said Court, or of any Deputy-remembrancer of the said Court for the

time being, in the books of the Bank of England, or in the books of the South Sea Company, or in the books of the East-India Company, or in the books of any body politic or corporate or company whatever; and all such Exchequer bills or other securities, which at any time before the appointment of such Accountant-general shall have been transferred into or vested in the name of, or shall be in the custody or power of the said Abel Moysey, or of the Deputy-remembrancer for the time being, by or on behalf of any of the suitors of the said Court, pursuant to the said herein-before recited order, or any other order or decree of the same Court, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, or which shall have been purchased pursuant to any decree or order of the same Court, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, in the name of the said Abel Moysey, or of any Deputy-remembrancer of the said Court; and all real and personal estate, effects, and property whatsoever, which by virtue of the said herein-before recited order, or any order or decree of the said Court of Exchequer, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, or by virtue of any conveyance, assignment, transfer, obligation or otherwise, shall at any time before the appointment of such Accountant-general have been conveyed, assigned, or transferred, or made payable or secured to the said Abel Moysey, as Deputy-remembrancer, or to the Deputy-remembrancer of the said Court for the time being, as such Deputy-remembrancer, and which shall not have been applied to the trusts and purposes to which the same were applicable, under the order or direction of the said Court, shall immediately upon the appointment of any person to be such Accountant-general of the said Court as aforesaid, under the provisions of this Act, become, and the same are hereby declared to be vested in such Accountant-general in right of his office by force of this Act, and without any Act or deed whatsoever to be done or executed by the said Abel Moysey, his heirs, executors, or administrators, or by any Deputy-remembrancer of the said Court for the time being, or by his heirs, executors, or administrators, or any person or persons claiming under him, them, or any of them, notwithstanding any such interest may have been vested in or conveyed, assigned, transferred, and made payable to or secured to the said Abel Moysey, or to such Deputy-remembrancer for the time being, his heirs, executors, administrators, and assigns, or any of them, and shall and may be proceeded upon by and in the name of such Accountant-general, in right of his office, by any action or suit at law, or in equity, or in any other manner as the same might have been proceeded upon, by or in the name or names of the said Abel Moysey, or of such Deputy-remembrancer for the time being, or his heirs, executors, or administrators, and shall be subject to all such trusts as the same were before respectively subject to; and all such funds, stocks, annuities, and securities, as shall at the time of the appointment of such Accountant-general be standing in the name of the said Abel Moysey, as Deputy-remembrancer as aforesaid, or of any Deputy-remembrancer of the said Court for the time being, in the books of the said Bank of England, South Sea Company, and East-India Company, or in the books of any body politic or corporate, or company, shall upon the appointment of such Accountant-general be carried by the proper officers of the said companies respectively to the credit of the said Accountant-general, as such Accountant-general, in the books of the said Bank of England, South Sea Company, East-India Company, or other body politic or corporate respectively; any thing in any Act or Acts of Parliament for the creation or regulation of any such funds, stocks, annuities, or securities, or any other Act or Acts to the contrary thereof, in anywise notwithstanding.

An account of all stock, cash, Exchequer bills, &c. in the hands of the present Deputy

VII. And be it further enacted, that when and so soon after the passing of this Act as any person shall be appointed to be Accountant-general of the said Court of Exchequer, pursuant to the directions of this Act, the said Abel Moysey, the present Deputy-remembrancer of the

Remembrancer, shall be made up, and such cash, &c. shall be paid into the Bank, to the account of the Accountant-general.

said Court, or his executors or administrators, or any Deputy-remembrancer of the said Court, for the time being, or his executors or administrators shall, without delay, make up accounts with such Accountant-general, or any other person thereto authorized by the said Court of Exchequer, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, of all stocks, funds, annuities or securities, which shall be standing in the name of the said Abel Moysey, or any Deputy-remembrancer of the said Court for the time being as such Deputy-remembrancer, in the books of the Bank of England, South Sea Company, or East-India Company, or in the books of any other body politic or corporate, or company; and that the said Abel Moysey, or any Deputy-remembrancer of the said Court for the time being, his executors or administrators, shall also, without delay, make out a true and perfect schedule of all cash, Exchequer bills, bonds, mortgages, tallies, orders, and effects whatsoever, deposited or remaining in his custody, power, or disposal, or standing in his name as Deputy-remembrancer, and of all monies which shall have been paid into the said Bank of England, or to the said Abel Moysey, as Deputy-remembrancer as aforesaid, or any Deputy-remembrancer of the said Court for the time being, under or by virtue of the said herein-before recited order, or of any other order, or any decree of the said Court of Exchequer, or Lord Chief Baron, or other baron to be nominated and appointed as aforesaid, belonging to the suitors of the said Court, and which shall not have been invested in any such stocks, funds, or annuities; and that the said Abel Moysey, or any Deputy-remembrancer of the said Court for the time being, and his executors or administrators, shall swear to the truth and accuracy of such schedule according to the best of his and their knowledge and belief; and the said Abel Moysey, or any Deputy-remembrancer of the said Court for the time being, or his executors or administrators, shall, according to such schedule, deliver and pay all such cash, Exchequer bills, bonds, mortgages, tallies, orders, and effects, into the Bank of England, to the credit and account of the person so to be appointed the Accountant-general of the said Court of Exchequer; and at the time of such payment or delivery, the said Abel Moysey, or any Deputy-remembrancer of the said Court for the time being, their or his executors or administrators, shall receive from one of the cashiers of the Governor and Company of the Bank of England, a receipt or certificate, stating the amount of such cash, Exchequer bills, bonds, mortgages, tallies, orders, and effects, so delivered and paid into the said Bank; and such receipt or certificate, and such schedule, shall be delivered into the said Court of Exchequer upon oath, to be there filed and enrolled as the said Court, or the Lord Chief Baron of the said Court, or the baron to be nominated and appointed as aforesaid, shall order or direct; and all such stocks, funds, or securities, and also all such cash, Exchequer bills, bonds, mortgages, tallies, orders, and effects, shall be carried to the credit and account of the said Accountant-general of the said Court of Exchequer, and be placed causewise in the books to be kept for that purpose, or in such other manner as shall be ordered by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the baron to be nominated and appointed as aforesaid, and the said Abel Moysey, or any Deputy-remembrancer of the said Court for the time being, his executors and administrators, shall thereupon be indemnified and discharged of and from all stocks, funds, annuities, monies, securities, deposits, and effects of the said suitors, transferred to or vested in such Accountant-general, or actually paid and delivered into the Bank of England as aforesaid.

On death, resignation, &c. of Accountant-general, all property in the suitors' money shall vest in his successors.

VIII. And be it further enacted, that in all cases in which by virtue of this Act, or of any Act of Parliament, conveyance, assignment, transfer, obligation, or security, any interest in real or personal estate, effects or property, shall be vested in, conveyed, assigned, transferred, made payable to or secured to the Accountant-general of the said Court of Exchequer

for the time being, as such Accountant-general; and in respect of his office, all such real and personal estate, effects, and property whatsoever, upon the death, removal, or resignation of each and every Accountant-general of the said Court, from time to time and as often as the same shall happen, and the appointment of a successor shall take place, shall (subject to the same trusts as the same were before respectively subject to) vest in the succeeding Accountant-general, by force of this Act, and without any act or deed whatever to be done by the Accountant-general resigning or removed, or by the heirs, executors, or administrators of any Accountant-general resigning, removed, or dying, or by any person or persons claiming under him, them, or any of them, and notwithstanding any such interest may have been expressed to be vested in, conveyed, assigned, transferred, made payable to or secured to the Accountant-general of the said Court, his heirs, executors, administrators, and assigns, or any of them, and shall and may be proceeded upon in the name of such succeeding Accountant-general, by any action or suit in law or equity, or in any other manner, as the same might have been proceeded upon by or in the name or names of such Accountant-general so resigning, removed, or dying, his heirs, executors, or administrators.

All payments of money under orders of the Court shall be made into the Bank, to the account of the Accountant-general.

IX. And be it further enacted, that whenever at any time after the first appointment of a person to be Accountant-general of the said Court of Exchequer as aforesaid, any person or persons shall be ordered by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the baron to be nominated and appointed as aforesaid, to pay any sum or sums of money, or any Exchequer bills, bills of exchange, or other negotiable securities, in any cause or matter before the said Court, into the Bank of England, to the account of the Accountant-general of the said Court, the party upon whom the order for payment of such money shall be made, shall, with the privity of such Accountant-general for the time being, pay the same into the Bank of England, to the account of the Accountant-general of the said Court, and the party so paying any such sum shall take a receipt for the same from one of the cashiers of the said Bank of England, which receipt shall be delivered to the said Accountant-general of the said Court, who shall thereupon make and sign a certificate of such payment, which certificate shall be countersigned by and shall be filed with the Clerk of the Reports herein-after directed to be appointed; and that whenever at any time after the said appointment of a person to be Accountant-general of the said Court as aforesaid, any money shall by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the baron to be nominated and appointed as aforesaid, be ordered to be invested in Government or other securities, the species of the particular securities in which the same shall be directed to be invested shall be mentioned in the order to be made for that purpose; and in case any such securities shall consist of public funds, stocks, or annuities, the same shall be transferred into the name of the said Accountant-general; and that every such transfer shall contain a declaration of trust, in the books of the said Bank of England, that such funds, stocks, or annuities are so transferred in trust to attend the orders of the said Court of Exchequer; and in case any such securities shall consist of East-India bonds, Exchequer bills, tallies, or orders, the same shall be delivered into the Bank of England, and placed to the account of the Accountant-general of the said Court, in the books of the said Bank, as hereinbefore directed, subject to the orders of the said Court of Exchequer; and if any of the securities shall consist of stocks or annuities of the Bank of England, the East-India Company or South Sea Company, or any other body politic or corporate, such stock or annuities shall be transferred into the name of such Accountant-general, and that every such transfer shall contain an entry or declaration of trust in the books of the respective Companies, that such stocks or annuities are so transferred in trust to attend the orders of

Orders of the Court of Exchequer shall state in what securities money shall be invested.

East-India bonds, Exchequer bills, &c. shall be delivered into the Bank; and certificates of East-India stock, &c. taken by Accountant-general;

the said Court of Exchequer; and the said Accountant-general shall take a certificate thereof from the proper officer of the Company whom it may concern, and shall deliver such certificate into the Bank, in order that one of the cashiers of the Bank may receive the dividends thereupon; and the said Accountant-general shall make a report or certificate of all such securities to the said Court of Exchequer, which report or certificate shall be filed with the Clerk of the Reports, and shall specify the dates and numbers of such bonds, tallies, and orders, and the quantities of such stocks or annuities, and the time of the transfer of such stocks or annuities into the name of such Accountant-general.

who shall report on such securities.

Bank shall receive all interest of funds, and principal of Exchequer bills, and carry the same to the credit of Accountant-general.

X. And be it further enacted, that one of the cashiers of the Bank of England shall at all times hereafter, from time to time, receive all interest due upon all Exchequer bills, and other securities, delivered in or deposited at the said Bank on account of the said Accountant-general, and also all the principal money becoming due on such Exchequer bills, or, if so directed by the said Accountant-general, shall receive new Exchequer bills in lieu of any Exchequer bills becoming payable; and shall also receive all principal money becoming due on any bills of exchange or negotiable securities, so delivered in or deposited at the said Bank on account of the said Accountant-general, and one of the cashiers of the said Bank shall likewise receive all the dividends of all such stocks, funds, or annuities, transferrable at the said Bank, or in the books of the East-India Company, or South Sea Company, or of any other body politic or corporate, as shall at any time be transferred into or standing in the name of the said Accountant-general; and the said Accountant-general shall for that purpose authorize and empower one of the cashiers of the said Bank to receive such interest and dividends, and all such principal money, or to receive such new Exchequer bills; and all such interest and dividends and principal money or new Exchequer bills, when so received, shall be from time to time placed to the credit of such Accountant-general, and entered causewise in the said account, so to be kept in his name in the books of the Bank of England.

How stock shall be transferred under orders of the Court.

XIII. And be it further enacted, that whenever any stock in the books of the Bank of England, South Sea Company, East-India Company, or any Company, or body politic or corporate, shall be ordered by the said Court of Exchequer, or by the Lord Chief Baron of the said Court, or by the baron nominated and appointed as aforesaid, to be sold, or to be transferred to any person or persons, a certificate of the decree or order directing such sale or transfer shall be signed by the said Clerk of the Reports, who shall certify under his hand to the said Accountant-general what stock he is by such decree or order to sell or to transfer, and in case of a transfer to whom such transfer is to be made; which certificate shall be entered by the Clerk of the Reports in a book to be kept by him for that purpose; and the Clerk in Court, or Solicitor in the cause, shall carry such certificate to the said Accountant-general, who shall, within one week, or at the then next opening of the respective companies' books, attend in person and deliver the same, or cause the same to be delivered, to the proper officer of such Company, and transfer such stocks, or give sufficient authority to some other person so to do, according to such certificate; and such certificate is hereby declared to be a sufficient authority for making such transfer or transfers as shall, by the decree or order mentioned in such certificate, be required to be made in execution of the said decree or order.

The Bank, &c. shall make transfer according to certificates, &c. produced.

XIV. And be it further enacted, that the proper officer of the Bank of England, East-India Company, South Sea Company, or any other Company, or body politic or corporate,

whom it may concern, shall and do from time to time permit and suffer every such transfe as is required by this Act to be made by the Accountant-general for the time being, upon the production of the several certificates of the several decrees or orders of the said Court of Exchequer for such purpose, signed and attested as by this Act is directed and required.

Court of Exchequer, or Lord Chief Baron, empowered to make orders for carrying this Act into execution.

XV. And for the better and more effectually carrying this Act into execution, be it further enacted, that it shall and may be lawful to and for the said Court of Exchequer, or for the Lord Chief Baron thereof, or other Baron to be nominated and appointed as aforesaid, and the said Court, or Lord Chief Baron or other Baron to be nominated and appointed as aforesaid, are hereby authorized and empowered from time to time to make all such further orders and regulations as the said Court shall deem necessary and proper for effectuating all or any of the purposes herein-before expressed: provided always, that when any such orders and regulations shall be made, a true copy thereof shall be made by the Clerk of the Reports, and signed by him, and transmitted to the said Accountant-general, who shall cause a true copy of such copy, signed by him, to be transmitted to the Governor or Deputy-governor of the Bank of England, or to any other Company, body politic or corporate, whom it may concern, who, after receiving a copy of such orders and regulations, shall cause the same to be observed in the same manner as if any such orders and regulations had originally formed a part of this Act.

In case of illness, &c. of the Accountant-general, the Court may order the other Master to act for him in that office.

XIX. And be it further enacted, that in case it shall happen at any time that the Accountant-general of the said Court of Exchequer for the time being shall by illness or any other cause be prevented from attending to the duties of the said office of Accountant-general, then and in every such case, it shall and may be lawful for the said Court of Exchequer, or Lord Chief Baron or Baron to be nominated and appointed as aforesaid, by any order or orders to be made for that purpose, to direct the other Master of the said Court for the time being, either generally or specially, to execute and perform all or any of the duties of the said Accountant-general in his name, and in such manner and under such regulations as shall be directed and contained in such order or orders to be made for that purpose; and the person so to be appointed shall be called Accountant-general of the Court of Exchequer, *pro tempore*, and shall be so described in all Acts to be done by him in the execution of the duties of the said office.

Punishing persons forging the hand-writing of the Accountant-general, &c. to a certificate to receive the suitors' effects in the Bank.

XXVII. And be it further enacted, that if any person or persons shall at any time after the passing of this Act forge or counterfeit, or procure to be forged or counterfeited, or willingly aid or assist in the forging or counterfeiting, the name or hand-writing of any Accountant-general of the said Court of Exchequer, or any Lord Chief Baron, or any of the Barons of the said Court, or of the Clerk of the Reports, or of any of the cashiers of the said Governor and Company of the Bank of England, or of any officer of any other body politic or corporate, or Company, whom it may concern, to any certificate, report, entry, indorsement, transfer, declaration of trust, note, direction, authority, receipt, instrument, or writing whatsoever, for or in order to the receiving or obtaining any money or effects of any of the suitors of the said Court of Exchequer; or shall forge or counterfeit, or procure to be forged or counterfeited, or wilfully aid or assist in forging or counterfeiting any certificate, report, entry, indorsement, transfer, declaration of trust, note, direction, authority, receipt, or any instrument or writing in form of a certificate, report, entry, indorsement, declaration of trust, note, direction and authority, receipt, instrument, or writing made or given by such Accountant-general, Clerk of the Reports, or

any of the cashiers of the Governor and Company of the Bank of England, or shall utter or publish any such, knowing the same to be forged or counterfeited, or shall claim or demand payment of any sum or sums of money therein mentioned, with intent to defraud any person or persons, or body politic or corporate, or any public Company whomsoever, then every such person and persons so offending, being thereof lawfully convicted, shall be and is hereby declared and adjudged to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.(1)

(1) [The 1 Wm. 4, cap. 66, restricted the punishment of death to certain cases of forgery therein specified. The 2 & 3 Wm. 4, cap. 123, confined it to forgeries of wills or testamentary writings, and of authorities to transfer certain public securities, or receive dividends thereon. The 1 Vic. cap. 84, abolished the punishment in these cases also, and substituted transportation or imprisonment.]

---

## 1 GEORGII IV. Cap. XCIX.

AN ACT *to enable the East-India Company to raise and maintain a Corps of Volunteer Infantry.* [24*th July* 1820.]

Whereas the United Company of Merchants of England trading to the East-Indies are willing, and have offered to his Majesty, at their own expense, to raise and maintain a corps of volunteer infantry, not exceeding eight hundred rank and file, from amongst the persons in the employ of the said Company; and such offer having been submitted to his Majesty's royal consideration, his Majesty hath approved thereof; but by reason of the appropriation of the revenues of the said United Company, to and for the purposes mentioned in an Act of Parliament, made in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," the said United Company cannot pay the charges of the said corps without the authority of Parliament; and it is expedient that the said United Company should be enabled to pay the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the said United Company, from time to time, to defray all and every the charges and expenses of raising, training, clothing, arming, paying and maintaining the said corps, as long as the services thereof shall be accepted by his Majesty, his heirs or successors, the said Act of the fifty-third year of the reign of his late Majesty, or any appropriation, matter, clause, or thing therein contained, to the contrary thereof in anywise notwithstanding.

53 G. 3, c. 155.

East-India Company to defray the expense of a corps of volunteers.

II. And be it further enacted, that all the charges and expenses of the said corps shall be defrayed out of the commercial funds (1) of the said Company. Expense shall be paid out of commercial fund.

(1) [The distinction between commercial and territorial funds is no longer preserved.]

III. And be it further enacted, that such corps of volunteers so raised and maintained by the said United Company, shall and may be employed upon such service and for such purposes, upon and for which other volunteer corps lawfully embodied may be lawfully called and employed. Employment of the corps.

IV. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded. Public Act.

---

## 1 GEORGII IV. Cap. CI.

AN ACT *to enable the Examination of Witnesses to be taken in India in support of Bills of Divorce on Account of Adultery committed in India.*

[24*th July* 1820.]

Whereas much inconvenience hath arisen to his Majesty's subjects residing in India, and petitioning either House of Parliament for Bills for the dissolution of marriages by reason of acts of adultery committed in India, from the difficulty of producing in England the evidence necessary to substantiate the allegations of such Bills: and whereas by reason of the religious scruples of several of the natives of India, it is impossible to prevail upon them to come to England for the purpose of being examined as witnesses at the bar of either House of Parliament: and whereas, for remedy of the said inconvenience, it is expedient that provision shall be made for examining witnesses in India, and for duly transmitting their depositions to such Houses of Parliament: be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whensoever and as often as either House of Parliament, upon the petition of any party praying for a Bill for the dissolution of any marriage, and stating that the witnesses necessary to substantiate the allegations of such Bill are resident in India, shall see cause to direct that the examinations of such witnesses shall be taken in India, the Speaker of such House of Parliament shall thereupon issue his warrant or warrants to the Judges of the Supreme Court of Judicature of the Presidency of Calcutta, the Judges of the Supreme Court of Judicature of the Presidency of Madras, the Recorder of the Presidency of Bombay,(1) or the Judges of the Supreme Court of Judicature of the Island of Ceylon, respectively, accordingly as the witnesses proposed to be examined shall be resident within any one or more of the said presidencies, or the said island, for the examination upon oath of all such witnesses as shall be produced before them touching the allegations of such Bill, and touching any notices or other

Speaker may issue his warrant for the examination of witnesses in India in cases of bills of divorce.

matters which shall in such warrant be specified; and that in all cases where such warrants shall be so issued, duplicates of such warrants, together with copies of such Bill, shall be transmitted by different ships, at the desire of the agent of the party or parties soliciting such Bill, to the persons to whom such warrants shall be directed.

(1) [Under 4 Geo. 4, cap. 71, the Recorder's Court at Bombay was replaced by a Supreme Court.]

Judges in India, on receipt of such warrant, to examine such witnesses.

II. And be it enacted, that in all cases immediately upon the receipt of such warrant or warrants, the Judges or Recorder to whom the same shall have been directed, shall appoint some time or times with all convenient speed for the examination of witnesses, and receiving other proofs touching the allegations of such Bill; and in opposition thereto and touching such notices and other matters as shall in such warrant have been specified, and in the meantime shall cause such public notice to be given of such examination, and shall issue such summons or other process as may be requisite for the attendance of witnesses, and of the agents or counsel of all or any of the parties respectively, and of such other witnesses as after mentioned, and to adjourn from time to time as occasion may require; and such examinations as aforesaid shall be then and there openly and publicly taken *vivâ voce* upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of the Court, be reduced into writing, and that two copies thereof shall be made; and that the Judges or Recorder before whom such examination shall have been taken, shall certify the same under the official seal of their several Courts, together with a declaration of such Judges or Recorder, that such examinations have in their or his judgment been fairly and properly conducted, and that all such witnesses had been produced as were fit to be produced, for the purpose of ascertaining the whole truth, so far as the attendance of such witnesses could be reasonably obtained; and shall transmit the same by different ships to the Speaker of either House of Parliament, under whose warrant such examination shall have been taken; and every such examination so returned to the Speaker of either House of Parliament as aforesaid, shall be competent and admissible evidence, and shall be allowed and read in both Houses of Parliament, or either of them respectively, as occasion may require; any law or usage to the contrary notwithstanding.

Two copies of such examinations to be certified and transmitted to the Speaker of either House of Parliament.

Judges may ask such further questions and require such further witnesses to be produced as shall be necessary.

III. And be it further enacted, that it shall and may be lawful for such Judges or Recorder, upon any such examination, to ask any such questions of any witness who shall be produced before them or him, and to require such further witnesses resident within such Presidency or island respectively to be produced, as shall appear fit and necessary for the due investigation of the allegations of such Bill, or of any other matters in such warrants specified; and to allow such attendance by counsel, and such cross-examination of witnesses, as shall be deemed by such Judges and Recorder to be fit and proper for the purpose of such investigation, and for such purpose, if necessary, to name some proper person or persons to attend as counsel and agent in opposition to such Bill, and to procure any evidence which may be necessary for the purpose of such opposition, to the end that a full and fair disclosure may be made of all the facts and circumstances of the case.

Proceedings not to be discontinued by prorogation, &c. of Parliament, where such warrants have been issued.

IV. And whereas by the usage and custom of Parliament, no proceedings by Bill in Parliament have continuance from one session to another; and whereas it would be impracticable that the examination taken upon such warrant as aforesaid could ever be returned within the

ordinary length of a session of Parliament; be it enacted by the authority aforesaid, that from and after the passing of this Act no proceedings in Parliament, touching any Bill for the dissolution of marriage, wherein such warrant as aforesaid shall have been issued, shall be discontinued by any prorogation or dissolution of Parliament, until the examination therein directed shall have been returned, but that such proceedings may be resumed, and proceeded upon in a subsequent session, or in a subsequent Parliament, in either House of Parliament, in like manner and to all intents and purposes as they might have been in the course of one and the same session; any law, usage, or custom to the contrary notwithstanding.

---

## 1 & 2 GEORGII IV. Cap. LIX.

### AN ACT *for the Relief of Insolvent Debtors in Ireland.*

[23*d June* 1821.]

Assignees' power not to extend to the effects of officers of the army or navy, &c. or beneficed clergymen.

XLVII. Provided also, and be it further enacted, that nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of such prisoner, being an officer of the army or navy, or in the naval or military service of the East-India Company, or a beneficed clergyman or curate, to the pay or pension of such officer, or to the income of such benefice or curacy, for the purposes of this Act: provided always nevertheless, that it shall be lawful for such assignee or assignees to apply for and obtain a sequestration of the profit of any such benefice for the payment of the debts of any such clergyman, and the order for the discharge of such clergyman shall be a sufficient warrant for granting of such sequestration, without any writ or other proceedings to authorize the same; and such sequestration shall accordingly be issued as the same might have been issued upon any writ of *levari facias*, founded upon any judgment against such clergyman: provided also, that it shall be lawful for the said Court to order such portion of the pay or half-pay or pension of any such officer of the army or navy, or naval or military service of the East-India Company, as on communication from the said Court to the Secretary of War or the Lords Commissioners of the Admiralty, or the Court of Directors of the United East-India Company, he or they may respectively consent to by writing under the hand of the said Secretary at War, or the Lords Commissioners or Secretary of the Admiralty, or the said Secretary of the Court of Directors, to be applied in payment of his debts, and for that purpose to be paid to his assignee or assignees; and such order and consent being lodged in the office of the paymaster of his Majesty's forces, or of the treasurer of the navy, or of the said Secretary of the said Court of Directors, as the case shall require, such paymaster or treasurer or secretary shall give directions accordingly, and such portion of the pay, half-pay, or pension of such officer, as shall be specified in such order and consent, shall be paid to his assignee or assignees, until the said Court shall make order to the contrary.

Sequestration of the profit of benefice may be applied for.

Portion of pay of officers may be obtained by application.

This Act has been continued by others passed at various times. The latest is the 6 Wm. 4, cap. 23, by which it is continued for three years from the passing of that Act (21st June 1836), and from thence to the end of the then next session of Parliament.

## 1 & 2 GEORGII IV. Cap. LXI.

AN ACT *to regulate the Appropriation of unclaimed Shares of Prize Money belonging to Soldiers or Seamen in the Service of the East-India Company.*

[23*d June* 1821.]

Whereas divers sums of money belonging to officers and soldiers employed in the service of the United Company of Merchants of England trading to the East-Indies, under and by virtue of divers Charters and Acts of Parliament, authorizing them to raise and maintain a military force in the East-Indies, and other the parts mentioned in such Charters, or some of them; and divers other sums of money belonging to commanders, officers, and crews of ships hired by or belonging to the said United Company, which said several sums of money have arisen from, or have become distributable in respect of, services in war, now remain and are in the hands of prize agents and other persons: and whereas it is expedient that all unclaimed shares of such money should be appropriated as hereinafter is provided; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to officers or soldiers, or to any officer or soldier in, or having been in the service of the said Company, in whatever service the same may have accrued, now remaining in the hands of any prize-agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the fund established by the Right Honourable Robert late Lord Clive, for the relief of persons and the widows of persons in the military service of the said United Company, commonly called "Lord Clive's Fund," for the purpose and objects of the said fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded without interest to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto, to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

Prize-money belonging to soldiers, remaining in hands of agents and others, to be paid over to the East-India Company.

Application of the money so paid over.

II. And be it further enacted, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to commanders, officers, sailors or other persons, or to any commander, officer, sailor, or other person, serving or who may have served on board of any ship or vessel in the service of the said Company, whether hired or belonging to the said Company, in whatsoever service the same may have accrued, now remaining in the hands of any prize-agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money when so paid over shall be applied to the Hospital Fund

Prize-money belonging to seamen, in the hands of agents and others, to be paid over to the East-India Company.

Application of such money.

established for the relief of persons and widows of persons belonging to ships and vessels in the service of the said United Company, commonly called "Poplar Hospital," for the purposes and objects of the said last-mentioned fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded without interest to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto, to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the Settlement where the same shall have been paid over to the said Company.

Times within which payments are to be made.

III. Provided always, and be it further enacted, that all money hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the passing of this Act; and all such money which shall be to be paid over at any of the settlements abroad of the said United Company, shall be paid within six calendar months next after the Governments at the said settlements respectively shall have caused the provisions of this Act, in that respect, to be notified in the way in which general orders for the army are usually published at the said settlements respectively.

Agents and other persons to deliver upon oath accounts of unclaimed shares.

IV. And be it further enacted, that all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall and they are hereby required, without further requisition or notice, to deliver or cause to be delivered to the secretary of the said United Company in London, or to the several secretaries of the respective governments at the settlements abroad where such money shall be to be paid over to the said United Company respectively, a true and correct account of all the monies remaining in his or their hands, and so to be paid over, with a list or lists of the names, rank, regiment, or other sufficient description of the persons entitled thereto, which account and lists shall be verified by the affidavit on oath of the party or one of the parties required to deliver the same, such oath to be taken before any Magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such Magistrate or other person is hereby required to administer accordingly.

The Court of Directors and Governments abroad empowered to call for general prize accounts on oath.

V. And be it further enacted, that upon the reasonable request and notice of the Court of Directors of the said United Company, and the governments of the settlements of the said Company abroad respectively, all and every person and persons whomsoever who are required by this Act to pay over any money to the said United Company, shall make out and deliver or cause to be made out and delivered to the secretaries of the said Court of Directors and of the said governments respectively requiring the same, full, true, and particular accounts in writing of all the receipts, payments, dealings, and transactions of such person and persons; and if they shall be executors, administrators, agents, or representatives, then full, true, and particular accounts in writing of their several testators, intestates, and principals, any way relating to any booty, prize-money, or other matter in respect of which such money so to be paid over shall have arisen, with the dates of all and every such receipts, payments, dealings, and transactions, and true and correct lists and descriptions of all grants, deeds, writings, books of account, letters, and papers whatsoever, in the custody or power, or whichever shall have been in the custody or power of the persons respectively required to make out and deliver the same, or of their respective testators, intestates, or principals, any way relating to any such booty, prize-money, or other matter; which accounts and lists shall be verified by affidavit on oath, to the best of the knowledge, information, and belief of the person or persons required to make out and deliver the same, such oath to be taken before

any magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly; and all the grants, deeds, writings, books of account, letters, and papers relating to the matters aforesaid, and in the custody or power of the person or persons required to pay over any such money as aforesaid, shall be produced and shewn at all reasonable times at the place or places where such grants, deeds, writings, books of account, letters, and papers shall be usually kept and deposited, or in some other reasonable and convenient manner, to such person and persons as the said Court of Directors or the said governments respectively shall direct or authorize to inspect the same; and such person and persons shall have full liberty to inspect, and take and cause to be taken such copies, extracts, and abstracts thereof, as he or they, or the said Court of Directors, or the said governments respectively, shall see fit: provided always, that this Act, or anything herein contained, or the production, inspection, or examination of the accounts, books, and papers before-mentioned, shall not in any way be deemed or construed to extend to open any account which shall have been conclusively closed and settled by the order, judgment, sentence, or decree of any Court of competent jurisdiction, or in any other manner by which the parties interested therein would have been concluded if this Act had not been passed, nor to prevent any Court of competent jurisdiction to order any such account to be opened, or to give liberty for surcharge or falsification thereof, upon just cause and ground shewn for that purpose.

Not to require accounts which have been legally closed.

Persons taking false oaths guilty of perjury, and persons suborning liable to the penalties of perjury, according to the law of England.

VI. And be it further enacted, that if any person or persons whosoever shall be convicted of making a false oath touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities, as persons convicted of perjury are respectively liable unto by any law in force in the said part of the said United Kingdom called England.

Power of recovery of monies directed to be paid over.

VII. And be it further enacted, that the said United Company shall have and be entitled to the same rights, powers, remedies, and methods of suit at law or in equity, or by any Admiralty process, to be commenced and prosecuted in the name of the said United Company in the several Courts of Justice in the United Kingdom and in the East-Indies, and elsewhere soever, for discovery and recovery of the monies hereby directed to be paid over to the said Company, as the original owners thereof now have or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty jurisdiction, in the United Kingdom and in the East-Indies, shall have and exercise the same jurisdiction, powers, and authorities, for compelling all and every person and persons to account for and pay over the monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty jurisdiction, may now lawfully exercise with respect to any unclaimed balances payable to the treasurers of Greenwich Hospital and Chelsea Hospital respectively, by virtue of any Act or Acts of Parliaments, or any law, usage, or custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several governments of the settlements abroad of the said United Company, to exercise the same or the like powers and authorities for the recovery of the monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or

Courts of Justice invested with the same powers as they now have with respect to Greenwich and Chelsea Hospitals.

Court of Directors, &c. to exercise similar authority to what may be exercised by the treasurers of Greenwich and Chelsea Hospitals.

Acts of Parliament now in force relating to prize money by the treasurers of Greenwich Hospital and Chelsea Hospital respectively, so far as such powers and authorities extend to the recovery by them, and the discovery of unclaimed shares of prize-money due and belonging to any officers, soldiers, or seamen in the service of his Majesty, and shall be applicable to the objects of this Act.

Not to affect the interest of Chelsea or Greenwich Hospitals.

VIII. And be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the Royal Hospital for soldiers at Chelsea, nor the Royal Hospital for seamen at Greenwich, nor to take away, repeal, or diminish any claim, right, or interest which by virtue of any law or laws now in force have been given or are now existing, or may hereafter by virtue of the said Acts become vested in the said royal hospitals or in the treasurers thereof, for the recovery of any unclaimed and forfeited shares of prize money, for the benefit of the said institutions, or for the benefit of the person or persons entitled to any unclaimed and forfeited shares of prize-money, but the same shall continue and remain in the said Commissioners and in the said treasurers as if this Act had not been made.

Acquitting persons paying over prize-money.

IX. And be it further enacted, that all and every person and persons, who shall pay over to the said Company, or to any other person or persons, by their order or for their use, any sum or sums of money under the provisions of this Act, shall, from and after such payment, be absolutely acquitted and discharged from all claims and demands whatsoever of all and every other person and persons to the same monies which shall be so paid over.

Application of prize-monies remaining in the hands of the East-India Company.

X. And be it further enacted, that all unclaimed shares of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen from or distributable in respect of any capture or other warlike service whatsoever, belonging to officers and soldiers in the service of the said Company, and to commanders, officers, sailors, and other persons serving on board such ships as aforesaid, in the service of the said United Company, and which now remain in the hands of the said United Company, or in any of their treasuries abroad, shall forthwith be carried over by order of the Court of Directors of the said Company, to the credit of the said respective funds, called "Lord Clive's Fund," and "Poplar Hospital;" to be applied to and for the purposes and objects of the said funds respectively, in like manner as the monies herein-before directed to be paid to them are to be applied; and in case at any time the person or persons originally entitled to the same, or their representatives, shall establish their claims thereto to the satisfaction of the said Court of Directors, or of the Governor and Council of the settlement where the same money shall now remain, then the said Court of Directors shall cause the said money to be refunded accordingly, and the same shall be brought back from the fund to which it shall have been carried, as herein-before is mentioned.

Expenses of carrying this Act into execution to be defrayed out of the monies recovered.

XI. And be it further enacted, that all expenses incurred or to be incurred in executing this Act, and the sums paid in remunerating the officers or persons employed on behalf of the said United Company, for their care, pains, and trouble in performing the regulations and directions thereof, shall, so far as the same relate to those officers or persons, be subject to the discretion of the Court of Directors for managing the affairs of the said Company, and shall be paid out of the principal monies to be recovered and discovered as aforesaid, on account of such shares respectively: provided, nevertheless, that no person employed by the said United Company in executing the regulations of this Act, shall act as an agent for prizes, or be concerned directly or indirectly in the business thereof, under the penalty of five hundred pounds.

Persons employed by the Company not to act as agents.

Penalty £500.

Not to prevent persons trying rights to prize-money.

XII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent any person or persons from resorting to any remedy at law or in equity, against the said Company, for the recovery of the principal, without interest, of any money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the credit of either of the funds herein-before mentioned, under the directions of this Act; provided such person or persons shall have preferred his or their claim thereto to the said Court of Directors, if such money shall have been paid over to the said Company in England, or shall have been carried over from their funds at home, or to the Governor in Council of the presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their funds in India, within six years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

Public Act.

XIII. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

The 9 Geo. 4, cap. 50, extends the provisions of this Act, which were only retrospective.

---

## 1 & 2 GEORGII IV. Cap. LXXVIII.

AN ACT *to regulate Acceptances of Bills of Exchange.*

[2*d July* 1821.]

Whereas according to law as hath been adjudged, where a bill is accepted payable at a banker's, the acceptance thereof is not a general but a qualified acceptance: and whereas a practice hath very generally prevailed among merchants and traders so to accept bills, and the same have, among such persons, been very generally considered as bills generally accepted, and accepted without qualification: and whereas many persons have been, and may be much prejudiced and misled by such practice and understanding, and persons accepting bills may relieve themselves from all inconvenience, by giving such notice as herein-after mentioned of their intention to make only a qualified acceptance thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of August now next ensuing, if any person shall accept a bill of exchange, payable at the house of a banker or other place, without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance of such bill; but if the acceptor shall in his acceptance express that he accepts the bill, payable at a banker's house or other place only, and not otherwise or elsewhere, such acceptance shall be deemed and taken to be, to all intents and purposes, a qualified acceptance of such bill, and the acceptor shall not be liable to pay the said bill, except in default of payment when such payment shall have been first duly demanded at such banker's house or other place.

Bills accepted payable at a banker's or other place, deemed a general acceptance.

Bills accepted payable at a banker's or other place only, deemed a qualified acceptance.

II. And be it further enacted, that from and after the said first day of August, no acceptance of any inland bill of exchange shall be sufficient to charge any person, unless such acceptance be in writing on such bill, or if there be more than one part of such bill, on one of the said parts.

Acceptance to be in writing on the bill.

---

## 3 GEORGII IV. Cap. XCIII.

An Act *for carrying into Execution an Agreement between his Majesty and the East-India Company.* [30*th July* 1822.]

The purposes for which this Act was passed having been effected, it is only necessary to insert sections 3 and 4.

III. And be it further enacted, that from and after such payment by the said United Company into his Majesty's Exchequer, as herein-before is mentioned, the said United Company shall be, and they are hereby acquitted, exonerated, and absolutely and for ever discharged of and from all further payments whatsoever in respect of the interest, sinking fund, charges of management, or otherwise howsoever, under or by virtue of the said Act of the fifty-second year of the reign of his said late Majesty, or in anywise relating to or by reason of the loan or advance of two millions five hundred thousand pounds therein and herein-before mentioned; and that the said United Company shall be and they are hereby acquitted, exonerated, and absolutely and for ever discharged of and from all sums of money due and owing by them for and on account of his Majesty's troops serving in India, computed to the said thirtieth day of April one thousand eight hundred and twenty-two, and from all claims and demands of his Majesty, his heirs and successors, in respect thereof, or on any account whatsoever in relation to the matters aforesaid, up to the said thirtieth day of April one thousand eight hundred and twenty-two, save and except as herein-after is mentioned; and that all accounts between the Paymasters-general of his Majesty's forces and the said Company, shall be held to have been closed on the thirtieth day of April one thousand eight hundred and twenty-two; and that his Majesty, his heirs and successors, shall be acquitted, released, and discharged of and from all claims and demands whatsoever of the said Company, in respect of any sums of money advanced or paid by them for the service of his Majesty in the East-Indies, or in relation to the island of Saint Helena, or otherwise on any account whatsoever in relation to the matters aforesaid, to the said thirtieth day of April now last past, save and except as herein-after is mentioned; and that all the stores and public property which may now remain in the island of Saint Helena, shall be and become the property of the said United Company, for their own use.

East-India Company, on payment of the money, to be finally discharged of all claims.

Public property in St. Helena to become the property of the Company.

IV. Provided always, and be it further enacted, that nothing herein contained shall in anywise prejudice the right of his Majesty, his heirs or successors, to any spices belonging to his Majesty, and now in the possession of the said United Company, nor to the proceeds of any such spices as may have been sold by the said United Company on account of his Majesty, and now unaccounted for; but his Majesty, his heirs and successors, shall have the same right thereto, and the same remedies in respect thereof, as if this Act had not been passed; and in like manner, nothing herein contained shall in anywise prejudice the right of the said United Company, to all such sum and sums of money as on the said thirtieth day

His Majesty's claims, in certain respects, not to be affected.

of April now last past, was or were due, and owing or payable, by the Commissioners of his Majesty's navy, for or on account of hemp brought home for and supplied to his Majesty, nor to interest on any such sum or sums of money; nor to any bill or bills of exchange drawn or to be drawn in the East-Indies on any public office or offices of his Majesty's Government, in respect of current public services in India, prior to the said thirtieth day of April one thousand eight hundred and twenty-two; but the said United Company, and their successors, shall have the same rights thereto, and remedies in respect thereof, as if this Act had not been passed.

---

## 4 GEORGII IV. Cap. LXXI.

*An Act for Defraying the Charge of Retiring Pay, Pensions, and other Expences of that nature, of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons, and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.*

[11*th July* 1823.]

33 G. 3, c. 52. Whereas by an Act made and passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for Appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," it is enacted, that all sums issued by the Paymaster-general of his Majesty's forces for and on account of his Majesty's forces serving in India, or for raising and supplying recruits for the same, shall be repaid by the said United Company, and that the actual expenses only which are incurred for the support and maintenance of the said troops shall be borne and defrayed by the said United Company: and whereas, by another

53 G. 3, c. 155. Act made and passed in the fifty-third year of the reign of his said late Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," it is enacted, that for and during the continuance of the possession and government of the said territorial acquisitions and revenues in the said United Company, the rents, revenues, and profits arising from the said territorial acquisitions, after defraying the charges and expences of collecting the same, should be applied and disposed of to and for the uses and purposes and in the order of preference therein-after expressed, and to or for no other use or purpose or in any other manner whatsoever, any Act or Acts of Parliament then in force to the contrary notwithstanding: and in the first place in defraying all the charges and expenses of raising and maintaining the forces, as well European as native military, artillery, and marine on the establishments in the East-Indies and parts aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores; but no provision has been made for the charge incurred for retiring pay and pensions, and other expenses of that nature, arising in respect of his Majesty's forces serving in India; and the said United Company in consideration

thereof have agreed to pay, for those purposes, the annual sum of sixty thousand pounds, to commence from the thirtieth day of April one thousand eight hundred and twenty-two, out of the territorial revenues in the East-Indies, as herein-after mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that over and above all sum and sums of money now payable by the said United Company in respect of his Majesty's forces serving in the East-Indies, the annual sum of sixty thousand pounds, to commence from the said thirtieth day of April one thousand eight hundred and twenty-two, shall be paid out of the rents, revenues, and profits arising from the said territorial acquisitions, in full discharge and satisfaction of all claims upon the said Company for retiring pay, pensions, and other expences of that nature, granted or payable by his Majesty or by authority of Parliament or otherwise, in respect of any of the forces of his Majesty which have served, are now serving, or which hereafter may serve in the East-Indies; such annual sum of sixty thousand pounds to be payable by the said United Company out of any money in their treasury applicable to the territorial charges in the East-Indies, by even quarterly payments, on the thirtieth day of July, the thirtieth day of October, the thirtieth day of January, and the thirtieth day of April in every year, into the receipt of his Majesty's Exchequer, there to remain at the disposal of Parliament; and such payments shall be charged upon and borne by the rents, revenues, and profits arising from the territorial acquisitions, in the same order as the charges and expences of raising and maintaining the said forces are now charged and borne.

In addition to the sum now payable, the East-India Company to pay an annual sum of £60.000 for retiring pay, pensions, or other allowances of his Majesty's forces serving in India.

To be paid quarterly.

II. And whereas by the said Act of the fifty-third year of the reign of his said late Majesty King George the Third, provision was made for granting certain pensions to the Bishop of Calcutta, and the Archdeacons of Calcutta, Madras, and Bombay respectively, who should have exercised in the East-Indies, or parts in the said Act mentioned, for fifteen years, the office or offices of bishop or archdeacon; and it is expedient to shorten the period during which such bishops and archdeacons respectively are required to hold their said offices before such pensions could be granted to them respectively, and to make other provisions respecting such pensions: be it enacted, that so much of the said Act as relates to such pensions shall be and the same is hereby repealed.

Repeal of provision in 53 G. 3, c. 155, respecting pensions of bishop and archdeacons.

III. And be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said Act mentioned, to grant to any such bishop who shall have exercised in the East-Indies, or parts aforesaid, for ten years, the office of bishop or archdeacon, and to any such archdeacon who shall have exercised in the East-Indies or parts aforesaid, for ten years, the office of archdeacon, pensions not exceeding such sums respectively as his Majesty by the said Act of the fifty-third year of the reign of his late Majesty is empowered to grant to any such bishop or archdeacon.(1)

Pensions to bishop and archdeacons.

(1) [To the Bishop of Calcutta, £1,500 per annum. To an Archdeacon, £800 per annum. By the 6 Geo. 4, cap. 85, sec. 15 and 16, the Bishop of Calcutta relinquishing his see from illness or infirmity, after five years' exercise of his office, may receive a pension of £750; and, after seven years' exercise, £1,000 per annum. For retiring pensions of Bishops of Madras and Bombay, see 3 & 4. Wm. 4, cap. 85, sec. 96; and for the effect of translation in estimating the period of residence,

as well as that of previous archdeaconal residence by a Bishop of Madras or Bombay, see sec. 98 of the same Act.]

Chaplains acting as archdeacons to be entitled to pension, in a certain proportion.

IV. Provided also, and be it further enacted, that if any person residing any time in the East-Indies or parts aforesaid, as one of the chaplains of the said United Company, shall have been or shall be appointed to the office of such archdeacon as aforesaid, and shall have resided in the East-Indies or parts aforesaid as such archdeacon seven years, the period of residence of such person as chaplain, shall be accounted and taken as and for a residence as such archdeacon, in the proportion of three years residence as such chaplain, to two years residence as such archdeacon: provided also, that nothing herein contained shall extend, or be construed to extend, to prejudice the right of any person being or having been a chaplain of the said United Company, to any benefit he may be entitled to as under or by virtue of any regulation now in force, or hereafter to be made by the said United Company or their Court of Directors, nor to prejudice or affect the right of the said United Company, or their Court of Directors, to make, repeal, vary or alter any regulation or regulations respecting the chaplains of the said United Company, or the pay or allowances, pensions, or retirements of such chaplains which the said United Company or their Court of Directors may now lawfully make, repeal, vary, or alter.

Further provision as to chaplains.

Residence and expense of visitations of bishop to be defrayed by the Company.

V. And whereas it is proper that a suitable house of residence should be provided for the said bishop, and that the expenses of his visitations should be defrayed by the said Company; be it therefore further enacted, that it shall and may be lawful for the said Company, and they are hereby required to provide a suitable house at Calcutta for the residence of the said bishop, and that the expense of the visitations to be made by the said bishop from time to time shall be defrayed by the said Company, out of the revenues of the British territories in India: provided always, that no greater sum on account of providing such house, or of such visitations, be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company with the approbation of the Commissioners for the affairs of India, any law or statute to the contrary notwithstanding.

Power to the Bishop of Calcutta to admit persons to holy orders.

VI. And whereas doubts have arisen whether the Bishop of Calcutta, in conferring holy orders, is subject to the several provisions and limitations established by the laws of this realm or canons ecclesiastical, as to the titles of the persons to be ordained, and as to the oaths and subscriptions to be by such persons taken and made; be it further declared and enacted, that it shall and may be lawful for the Bishop of Calcutta for the time being to admit into the holy orders of deacon and priest respectively any person whom he shall, upon examination, deem duly qualified, especially for the purpose of taking upon himself the cure of souls, or officiating in any spiritual capacity within the limits of the said diocese of Calcutta, and residing therein; and that a declaration of such purpose, and a written engagement to perform the same, under the hand of such person, being deposited in the hands of such bishop, shall be held to be a sufficient title with a view to such ordination; and that in every such case, it shall be distinctly stated in the letters of ordination of every person so admitted to holy orders, that he has been ordained for the cure of souls within the limits of the said diocese of Calcutta only; and that unless such person shall be a British subject of or belonging to the United Kingdom of Great Britain and Ireland, he shall not be required to take and make the oaths and subscriptions which persons ordained in England are required to take and make: provided always, that nothing herein contained shall be construed to repeal or affect the provisions of an Act passed in the fifty-third year of the reign of his late Majesty King

Provisions of 53 G. 3, c. 155, not to be affected.

George the Third, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's Charter," or any letters patent issued by his late Majesty, or by his present Majesty, their heirs and successors, in virtue of the said Act or of their lawful prerogative.

Supreme Court of Judicature at Bombay to be established.

VII. And whereas his late Majesty King George the Second did, by his letters patent bearing date at Westminster the eighth day of January in the twenty-sixth year of his reign, grant unto the United Company of Merchants of England trading to the East-Indies his royal Charter, thereby, amongst other things, constituting and establishing Courts of civil, criminal, and ecclesiastical jurisdiction at the United Company's respective settlements at Madraspatnam, Bombay or the island of Bombay, and Fort William in Bengal: and whereas the said Charter, in as far as it respects the administration of justice at Bombay, has been altered and changed by virtue of an Act passed in the thirty-seventh year of his late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay; and for preventing British Subjects from being concerned in Loans to Native Princes in India;" and by letters patent granted by his said late Majesty King George the Third, and bearing date at Westminster on the twentieth day of February in the thirty-eighth year of his reign, amongst other things, for the establishment of a Court called "The Court of the Recorder of Bombay:" and whereas the said Charter of the eighth day of January in the twenty-sixth year of the reign of his Majesty King George the Second, so far as it respects the administration of justice at Fort William in Bengal, has been altered and changed by virtue of an Act passed in the thirteenth year of his said late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and by divers subsequent statutes: and whereas the said last-mentioned Charter, so far as it respects the administration of justice at Madras, has been altered or changed by virtue of the said Act of the thirty-seventh year of his said late Majesty King George the Third, and also by an Act of the thirty-ninth and fortieth years of his said late Majesty, intituled, "An Act for establishing certain Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same:" and whereas it may be expedient, for the better administration of justice in the said settlement of Bombay, that a Supreme Court of Judicature should be established at Bombay, in the same form and with the same powers and authorities as that now subsisting by virtue of the several Acts before mentioned at Fort William in Bengal; be it therefore enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by Charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay aforesaid, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, with full power to exercise such civil, criminal, Admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects, and to be invested with such powers and authorities, privileges and immunities, for the better administration of the same, and subject to the same limitations, restrictions, and control, within the said town and island of Bombay, and the limits thereof, and the territories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said government of Bombay, as the said Supreme Court of Judicature at Fort William in Bengal by virtue of any law now in force and unrepealed doth consist of, is invested with, or subject to, within the said

37 G. 3, c. 142.

13 G. 3, c. 63.

39 & 40 G. 3, c 79.

Fort William, or the places subject to or dependent on the government thereof: provided always, that the Governor and Council at Bombay, and the Governor-general at Fort William aforesaid, shall enjoy the same exemption and no other, from the authority of the said Supreme Court of Judicature to be there erected, as is enjoyed by the said Governor-general and Council at Fort William aforesaid for the time being, from the jurisdiction of the Supreme Court of Judicature there already by law established.

Records of Mayor's Court at Bombay to be delivered over to Supreme Court.

VIII. And be it further enacted, that if his Majesty, his heirs or successors, shall grant such Charter as aforesaid, and erect such Supreme Court of Judicature at Bombay as aforesaid, all the records, muniments, and proceedings whatsoever, of and belonging to the late Mayor's Court at Bombay, or to the late Court of Oyer and Terminer and gaol delivery, which were by the said Act passed in the thirty-seventh year of his said late Majesty King George the Third directed to be delivered over, preserved, and deposited in the new Courts erected by virtue of the said Act, and all records, muniments, and proceedings whatsoever, of and belonging to the said Court of the Recorder of Bombay, or to any of the Courts established under and by virtue of the said Act passed in the thirty-seventh year of the reign of his said late Majesty King George the Third, shall from and immediately after such Supreme Court of Judicature, as his Majesty is hereby empowered to erect, shall be established at Bombay, be delivered over to be preserved and deposited for safe custody in the said Supreme Court of Judicature to be erected at Bombay, to which all parties concerned shall and may have resort and recourse upon application to the said Court.

Repeal of so much of Charter and Acts as relate to Court of Recorder.

IX. And be it further enacted, that so much of the Charter granted by his said late Majesty King George the Third, for erecting the Court of the Recorder at Bombay, as relates to the appointment of such Recorder and the erecting of such Courts of Judicature at Bombay, in case a new Charter shall be granted by his Majesty, his heirs or successors, and shall be openly published at Bombay, from and immediately after such publication shall cease and determine, and be absolutely void to all intents and purposes whatsoever; and all powers and authorities granted by the said Act of the thirty-seventh year of his said late Majesty King George the Third, to the said Court of the Recorder at Bombay, shall cease and determine and be no longer exercised by the said Court, but the same shall and may be exercised by the Supreme Court of Judicature to be erected by virtue of this Act, in the manner and to the extent herein-before directed.

Section 10 authorizes the payment of certain salaries to the Judges of the Supreme Court at Bombay, the amounts of which are varied by 6 Geo. 4, cap. 85, sec. 2.

Salaries to be in lieu of all fees.

XI. And be it further enacted, that the said salaries of such Chief Justice and Judges shall commence and take place from and after their respectively taking upon them the execution of their office as aforesaid, and that all such salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever, shall be accepted, received, or taken in any manner or on any account or pretence whatsoever, other than such salaries or allowances as are in and by this Act directed to be paid.

Defraying expenses of equipment and voyage.

XII. And be it further enacted, that the said Court of Directors shall and they are hereby required to pay and advance to every person who shall be appointed Chief Justice

of the said Supreme Court to be erected in pursuance of this Act, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand two hundred pounds, and to every person who shall be appointed Puisne Judge of the said Court, and who shall be resident in the United Kingdom at the time of his appointment, the sum of one thousand pounds, for the purpose of defraying the expenses of their equipment and voyage.

Salary to cease on Judge's leaving India.

XIII. Provided always, and be it further enacted, that when either of the Judges of the Supreme Court of Judicature, which his Majesty is hereby empowered to erect at Bombay, shall respectively leave India, the salary payable under and by virtue of this Act to any such Judge shall cease and be no longer paid; anything herein contained to the contrary thereof in anywise notwithstanding.

Repeal of provision in 39 & 40 G. 3, c. 79, respecting India Judges' time of residence to entitle them to pensions.

XIV. And be it further enacted, that so much of the said Acts of the thirty-seventh and of the thirty-ninth and fortieth years of his late Majesty King George the Third, as relates to the time during which the Chief Justices, Judges, and Recorder of the Courts therein mentioned are required to reside in India before any allowances can lawfully be made to them upon retirement, or which limits the amount in the whole to be paid on account of such allowances, shall be and the same is hereby repealed.

The 15th and 16th sections, relating to pensionary provision for retiring judicial officers and the period of residence required as a qualification, are repealed by 6 Geo. 4, cap. 85, sec. 6: see sections 7 to 14 of that Act for present regulations on the subject.

Court at Madras and Bombay to have the same powers as the Court at Fort William in Bengal.

XVII. And be it further declared and enacted, that it hath been and is and shall be lawful for the Supreme Court of Judicature at Madras, within Fort Saint George and the town of Madras and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the Government of Madras; and that it shall be lawful for the said Supreme Court of Judicature at Bombay, to be created by virtue of this Act, within the said town and island of Bombay and the limits thereof, and the factories subordinate thereto, and within the territories which now are or hereafter may be subject to or dependent upon the said government of Bombay; and the said Supreme Courts respectively are hereby required, within the same respectively, to do, execute, perform, and fulfil all such acts, authorities, duties, matters, and things whatsoever, as the said Supreme Court of Fort William is or may be lawfully authorized, empowered, or directed to do, execute, perform, and fulfil within Fort William in Bengal aforesaid, or the places subject to or dependent upon the Government thereof.

Present pensions not to be affected.

XVIII. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect any warrant which may have been granted by his Majesty before the passing of this Act, in virtue of any Act now in force, for the payment of a pension to any person who has resigned the office of Chief Justice or Judge of the Supreme Court of Judicature at Fort William in Bengal or at Madras, nor to affect the power of his Majesty to grant such warrants in favour of any person now exercising the office of Chief Justice or Judge; and that any such warrant and warrants shall be obligatory on the said Company, in like manner and under the same restrictions and provisions as if this Act had not passed.

## 4 GEORGII IV. Cap. LXXX.

AN ACT *to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade; and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India.* [18*th July* 1823.]

The whole of this Act is repealed by 3 & 4 Wm. 4, cap. 93, except so much as relates to Asiatic seamen being natives of the territories under the Government of the East-India Company.

Lascars and natives of India not to be British mariners within the meaning of 34 G. 3, c. 68.

XX. Provided always, and be it further enacted, that no Asiatic sailors, Lascars, or natives of any of the territories, countries, islands, or places within the limits of the Charter of the East-India Company, although born in territories, countries, islands, or places under the government of his Majesty, or of the East-India Company, shall at any time be deemed or taken to be British sailors, seamen, or mariners, within the intent and meaning of an Act passed in the thirty-fourth year of the reign of his late Majesty, intituled, "An Act for the further Encouragement of British Mariners, and for other Purposes therein mentioned," or of any other Act or Acts of Parliament relating to the navigation of British ships by subjects of his Majesty, for the purpose of entitling any ship or vessel to be deemed to be a British ship navigated according to law, and to have the privileges and advantages of British ships having the master and three-fourths of the mariners British subjects, any thing in the said recited Act of the thirty-fourth year aforesaid, or in any other Act or Acts of Parliament, or law or laws to the contrary notwithstanding: provided also that it shall be lawful for his Majesty, by his royal proclamation, upon or after the commencement of any hostilities, to permit all merchant ships or any other trading vessels, and all privateers, to be manned wholly, or in any such proportions as shall be specified in any such proclamation, with such Asiatic sailors, Lascars, or natives as aforesaid, for and during such periods as shall be specified in any such proclamation as aforesaid.

A proportion of British seamen to the tonnage of any ship sufficient.

XXI. And whereas Lascars and other natives of the East are not deemed to be equal in strength and use to European or other seamen, and the requiring the proportion of three-fourths of British seamen in ships having as part of the crew Lascars and natives of the East, would compel such ships to carry a larger number of British seamen than other ships, or to employ a smaller number of Lascars and natives of the East than would be sufficient to make a proper crew; be it therefore enacted, that any ship or vessel duly registered, manned in part with Lascars or natives of India, which shall be commanded by a British master, and navigated by four British seamen, as part of the crew, for every hundred tons of her registered burthen, and so in proportion for any part of a hundred tons, shall be deemed, construed, and taken to be navigated according to law as to the crew of any such ship or vessel, although the number of such British seamen shall not be equal to the proportion of three-fourths of the whole crew of such ship or vessel; any thing in any Act or Acts of Parliament, or law or laws, to the contrary notwithstanding.

In cases where in India a sufficient number of British seamen

XXII. And whereas it may not always be possible to procure the due proportion of British seamen at ports in India for vessels sailing from India; be it therefore enacted, that

it shall be lawful for any of the governments of the East-India Company in India, or for any governor or lieutenant-governor of any colony, territory, or island belonging to his Majesty, within the limits of the said Charter, and they and he are hereby required, on application made by the owner or commander of any ship or vessel, and after having ascertained by due inquiry that a sufficient number of British seamen cannot be procured for the crew of any ship or vessel sailing from India, within ten days from such application, to certify the same, and licence such ship or vessel to sail and carry on her voyage with a less proportion of British seamen than required by law; and every such ship, having on board such licence, and the proportion of British seamen therein specified, shall be deemed to be navigated according to law, notwithstanding such deficiency of British seamen.

cannot be obtained, Governors may licence the ship to sail.

XXIII. Provided always, and be it further enacted, that nothing in this Act, or in any other Act or Acts of Parliament contained shall extend, or be construed to extend, to require any number of British seamen to be on board as part of the crew or mariners of any ship or vessel employed in trade only between ports and places within the limits of the Charter of the said Company, including the Cape of Good Hope.

Act not to require British seamen on board vessels employed in trade between port and port.

XXIV. And be it further enacted, that from and after the first day of June one thousand eight hundred and twenty-four, all the provisions contained in an Act passed in the fifty-fourth year of the reign of his late Majesty King George the Third, intituled, "An Act to continue until the First Day of January One thousand eight hundred and sixteen, and to amend several Acts for altering Importations from and Exportations to the Places within the Limits of the Charter of the East-India Company, in Ships not of British-built, and for the better Maintenance and Care of Lascars and other Asiatic Seamen arriving in this Kingdom," relative to Asiatic sailors, Lascars, or natives of any territories, countries, or places within the limits of the Charter of the said United Company, shall be and are hereby repealed; save and except as to the recovery of any sum or sums of money which have become or may become due on any bond or bonds which may have been or ought to have been entered into before the said first day of June one thousand eight hundred and twenty-four, or of any sum or sums of money which have otherwise become or may become due by virtue of the said Act, before the said first day of June one thousand eight hundred and twenty-four, all which sums of money shall and may be recovered in the same manner as if this Act had not been passed; anything herein contained to the contrary notwithstanding.

54 G. 3, c. 134, repealed so far as relates to Asiatic sailors, &c. except as to the recovery of money due on bonds.

XXV. And be it further enacted, that it shall and may be lawful to and for the Governor-general of Fort William in Bengal, in Council, and he is hereby required, as soon as may be, to make, ordain, and publish, and from time to time, as occasion may require, to repeal and alter, and newly to make, ordain, and publish, such rules and regulations, to be observed by masters, officers, and owners of ships and vessels trading under the authority of this Act, the crews of which ships or vessels shall be wholly or in part composed of Asiatic sailors, Lascars, or natives of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, for the due supply of provisions, clothing, and other necessary accommodation of such Asiatic sailors, Lascars, and natives aforesaid, whilst they shall be on board such ships or vessels, and whilst absent from the countries or places to which they shall respectively belong, and until they shall be carried back to the places to which they may belong, or from whence they may have been brought, and for the conveyance back of such Asiatic sailors, Lascars, or natives as aforesaid, within a reasonable time to be fixed by such rules or regulations.

Governor of Fort William to make rules, &c. with respect to masters, &c. of vessels trading under this Act.

Such rules and regulations to be observed in like manner as if they had formed part of this Act.

XXVI. And be it further enacted, that all such rules and regulations, until they shall be repealed or altered, shall be observed and performed according to the true intent and meaning thereof, in like manner as if they had been herein inserted and had formed part of this Act; and a copy of all and every such rules and regulations, signed and authenticated as such by the secretary for the time being of the Government of Bengal, or by the secretary for the time being of the said United Company, shall be deemed and received and taken, in and by all Courts, Justices, and other persons, as full, sufficient, and conclusive evidence of such rules and regulations.

Masters of vessels to make out list of every Lascar, &c. on board, before such ship shall be admitted to entry.

XXVII. And be it further enacted, that the master or other person having the command of every ship or vessel trading under the authority of this Act, which from and after the passing of this Act shall arrive at any port in the United Kingdom of Great Britain or Ireland, and which shall have on board, or which during any part of her voyage shall have had on board, either as part of her crew or in any other character, or for any other reason, any Asiatic sailor, Lascar, or native of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, before such ship or vessel shall be admitted to entry, shall make out and exhibit to the principal officers of the customs, or other person thereunto lawfully authorized, a true and perfect list and description of every such Asiatic sailor, Lascar, or native aforesaid, which shall then be, or who during any part of her voyage shall have been on board such ship or vessel, with a true account and statement what shall have become of every such Asiatic sailor, Lascar, and native aforesaid, who may have been and shall not then be on board.

Penalty for breach of regulations relative to Lascars, &c.

XXVIII. And be it further enacted, that for every breach or non-observance of any rule or regulation to be made in pursuance of this Act, in relation to Asiatic sailors, Lascars, or natives aforesaid, which shall have happened or taken place, and for every omission to make out and exhibit such list, description, account, or statement of and respecting all such Asiatic sailors, Lascars, or natives aforesaid, as herein is required, the master or commander, and all and every the owners or owner of the ship or vessel on board which any such Asiatic sailor, Lascar, or native aforesaid shall be or shall have been, shall forfeit the sum of ten pounds for every Asiatic sailor, Lascar, or native aforesaid, in respect of whom such breach, non-observance, omission or defect shall have happened or taken place, to be recovered against the master, commander, and owners jointly or severally, by bill, plaint, information, or action, in any of his Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, or in the East-Indies or elsewhere, to be commenced in the county or presidency or place where any such offender may happen to be, or by conviction in a summary way before two Justices of the Peace in the United Kingdom, or in the East-Indies, of the county or presidency where any such offender may happen to be; and of which sum and sums so to be forfeited, one-third part thereof shall go, belong, and be paid to the person or persons who shall inform or sue for the same, and the other two-third parts thereof shall be paid to such person or persons as the Court or Justices before whom the same shall be recovered shall award, to be applied in payment or reimbursement of any expense which may have been incurred by or for the use of the Asiatic sailor, Lascar, or native aforesaid, or the respective Asiatic sailors, Lascars, or natives aforesaid, in respect of whom such forfeiture or forfeitures shall have been recovered, or in such other manner, for his or their maintenance, return home, or benefit, as the Court or Justices before whom the same shall be recovered shall direct.

Convictions to be drawn up in the following form:

XXIX. And for the more easy and speedy conviction of the offenders under this Act, be it further enacted, that the Justices of the Peace before whom any person or persons shall be convicted of any offence under this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the like effect, as the case may happen; *videlicet*,

Form of conviction.

"Be it remembered, that on the day of "in the year of our Lord "*A. B.* [*the offender or offenders*] is [*or* are] convicted before us, two of his "Majesty's Justices of the Peace for [the county *or* presidency, *as the case may be*] "by virtue of an Act made in the fourth year of the reign of his Majesty King George "the Fourth, intituled [*setting forth the title of this Act*] of having [*here state the "offence or offences*] which offence [*or* offences, *as the case may be*] has, by confession "of the offender [*or* offenders, *or* the oath of one or more credible witness or witnesses, "*as the case may be*]; for which said offence [*or* offences, *as the case may be*] we do "adjudge that the said offender [*or* offenders] hath [*or* have] forfeited and do pay "the sum of [*the amount forfeited*]; one-third part whereof we do order and direct "to be paid to [*the informer*], and the other two-thirds thereof to *C.D.* and *E.F.* "[*such persons as the said Justices shall direct*] to be applied [*in such manner as "the case may require*] pursuant to the provisions of the said Act. Given under our "hands and seals the day and year first above written."

Recovery of penalties.

XXX. And be it further enacted, that all sums of money of which any person shall be so convicted as aforesaid, shall and may be levied by distress and sale of the goods and chattels of the offender; and that for want of sufficient distress every such offender may be committed to prison in the common gaol or House of Correction, for the space of three calendar months.

Lascars, &c. convicted of vagrancy to be shipped on board of vessel bound to the place from whence brought.

XXXI. And whereas it may happen that Asiatic sailors, Lascars, and natives aforesaid, may refuse to accept the maintenance to be provided for them under the rules and regulations before referred to, or to return home in ships or vessels which may be engaged for that purpose; be it further enacted, that if any such Asiatic sailor, Lascar, or native aforesaid, shall at any time be convicted of an act of vagrancy under any of the laws in force in the United Kingdom respecting vagrants, it shall and may be lawful to and for the Justice or Justices or Magistrates before whom such conviction shall take place, to order and direct that he shall be shipped on board any ship or vessel bound to the place, or as near as may be to the place to which he shall belong, or from which he shall have been brought, and the commander of which shall be willing to take charge of him in order to his being returned thereto, at the expense of the person or persons liable under any rule or regulation to be made as before-mentioned, or of any other person being otherwise willing to defray the same; and it shall and may be lawful for the commander of any such ship or vessel having taken charge of such vagrant, as he is hereby required, to keep and detain him on board his ship for the voyage for which he shall be shipped.

Proceedings not to be quashed for want of form.

XXXII. Provided also, and be it further enacted, that no conviction, order, or proceeding to be made or had by or before any justices of the peace, or other magistrate, by virtue of this Act, shall be quashed or vacated for want of form, and that the order of such justices or other magistrates shall be final, and that no proceedings of any such justices or other magistrates in pursuance of this Act shall be removable by *certiorari* or otherwise.

Actions to be commenced within three months.

XXXIII. And be it further enacted, that if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three months after the fact committed, and not afterwards; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and at the trial thereof give this Act and the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in the execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than as afore-mentioned, then the jury shall find for the defendant or defendants; and if the plaintiff shall become nonsuit, or discontinue his or her action after the defendant shall have appeared, or have a verdict against him or her, or if, upon a demurrer, judgment shall be given against the plaintiff, the defendant shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

Company to supply all necessaries for distressed Lascars, &c. brought to this country, and may recover expense from owners.

XXXIV. And be it further enacted, that if any Asiatic sailor, Lascar, or native of any of the territories, countries, islands, or places within the limits of the Charter of the said United Company, having been brought to the United Kingdom on board any ship or vessel not being a ship of war in the service of his Majesty, shall from and after the passing of this Act be found within the United Kingdom in distress for want of food, clothing, or other necessaries, it shall be lawful for the said United Company to supply necessary and reasonable relief to such persons, and to maintain them until they shall be sent on board some ship bound for some place within the limits aforesaid; and also to pay, defray, and advance the money necessary to procure such persons proper and sufficient passage to their homes or places from which they were brought; and all such sums as the said Company shall pay for or on account of such relief or maintenance, or passage home, shall constitute and become a joint and several debt due to the said Company from the commander, owner or owners of such ship, on board whereof such person or persons shall have been brought into the said United Kingdom, and shall be recoverable as so much money paid to and for the use of such owner or owners in any of the Courts of the said United Kingdom, or in the East-Indies, if the owner shall reside there, in which actions or suits for the recovery of debts may be sued or prosecuted; and in all such actions and suits, where the said Company shall recover, they shall be entitled to receive full cost of suit.

---

## 4 GEORGII IV. Cap. LXXXI.

An Act *to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company; and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage.* [18*th July* 1823.]

27 G. 2, c. 9.

Whereas an Act was passed in the twenty-seventh year of the reign of his late Majesty King George the Second, intituled, "An Act for punishing Mutiny and Desertion of Officers

and Soldiers in the Service of the United Company of Merchants of England trading to the East-Indies; and for the Punishment of Offences committed in the East-Indies, or at the Island of Saint Helena;" and another Act was passed in the first year of the reign of his late Majesty King George the Third, intituled, "An Act to extend the Provisions relating to the holding of Courts-martial, and to the Punishment of Offences committed in the East-Indies, contained in the Act made in the Twenty-seventh Year of his late Majesty's Reign, intituled, 'An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East-Indies, and for the Punishment of Offences committed in the East-Indies, or at the Island of Saint Helena,' to the said Company's Settlement of Fort Marlborough, and to such other Principal Settlements wherever the said Company may be hereafter empowered to hold Courts of Judicature;" since the passing of which Acts the territories under the government of the said Company, and the forces maintained by the said Company for the safety and protection of the same, have greatly increased, in consequence whereof further provisions have become necessary; and it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert the said Company's service, be brought to a more exemplary and speedy punishment than the usual forms of the law do allow: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if any person who is or shall be commissioned or in pay as an officer, or who is or shall be enlisted or in pay as a non-commissioned officer or soldier in the service of the said Company, at any time during the continuance of this Act, shall begin, excite, cause, or join in any mutiny or sedition, in the land or marine forces of his Majesty, or of the said Company, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall be commanded to defend, or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or others to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, and which he or they shall be commanded to defend; or shall leave his post before relieved; or shall be found sleeping on his post; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of his Majesty, or the said Company, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter upon any terms with such rebel or enemy, without the licence of the said United Company, or of the said United Company's Governor-general in Council, or Governor in Council at any of their Presidencies, or without the licence of the general or chief commander; or shall strike or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; or shall desert the said Company's service; all and every person and persons so offending in any of the matters before mentioned, whether such offence shall be committed within the dominions of his Majesty, or the possessions or territories which are or may be under the government of the said Company, or in foreign parts, upon land or upon the sea, within or without the limits of the Charter of the said United Company, shall suffer death, or such other punishments as by a court-martial shall be awarded.

1 G. 3, c. 14.

Punishment for mutiny, desertion, &c.

Persons accused of capital crimes 120 miles from the Presidencies can be tried by court-martial.

II. And be it further enacted, that it shall and may be lawful for the general or other officer commanding in chief the forces of or belonging to the presidencies of Fort William, Fort Saint George, and Bombay respectively, for the time being, having authority to appoint courts-martial, to appoint general courts-martial, and to issue his warrant to any general or other officer, having the command of a body of troops of his Majesty or of the said Company, empowering them respectively to appoint general courts-martial as occasion may require, to be holden within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place other than Prince of Wales' Island, in the territories under the government of the said United Company, and situated above one hundred and twenty miles from the said presidencies respectively, for the trial of any person under his command accused of having committed wilful murder, theft, robbery, rape, or any other crime which is capital by the laws of England, or of having used violence, or committed any offence against the person or property of any subject of his Majesty, or any other person entitled to his Majesty's protection, or to the protection of the respective governments of the East-India Company, or of any state in alliance with the said Company, within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place other than Prince of Wales' Island, in the territories under the government of the said United Company situate above one hundred and twenty miles from the said presidencies respectively; and the persons accused, if found guilty, shall suffer death, or be liable to transportation for life or for a term of years, or to such other punishments, according to the nature and degree of their respective offences, as by the sentence of any such general courts-martial shall be awarded: provided always, that any person so tried shall not be liable to be tried for the same offence by any other Court whatsoever.

Person liable to be tried by court-martial may be apprehended and delivered over to his regiment.

III. And be it further enacted, that if any person liable to be tried by a court-martial for any such offence alleged to have been committed within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place, other than Prince of Wales' Island, in the territories under the government of the said United Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort St. George, and Bombay respectively, and for which no proceeding shall have been commenced in any ordinary Court of competent civil or criminal jurisdiction, shall be apprehended by the authority of or brought before any magistrate for any such offence, it shall and may be lawful for such magistrate, and he is hereby required to deliver over such accused person to the commanding officer of the regiment, corps, or detachment to which such accused person shall belong, or to the commanding officer of the nearest military station, for the purpose of his being tried by a court-martial for such offence, as hereinbefore is provided in that behalf.

Sentences of such Courts not to be carried into execution till confirmed by the chief Governor, and approved by Governor of the Presidency.

IV. Provided always, and be it enacted, that in all and every case wherein a sentence of death or transportation shall be pronounced for any such capital offence, committed at any place situate above one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and being within the territories under the government of the said United Company, such sentence shall not be carried into execution until confirmed by the general or other officer commanding at the Presidency, with the concurrence of the Governor-general in Council or Governor in Council of the Presidency in the territories subordinate to which such offenders shall have been tried.

Deserters enlisting in other corps punishable.

V. And be it declared and enacted, that no non-commissioned officer or soldier who shall desert the said Company's service shall be exempt from the pains and penalties imposed by this Act for such offence, by again enlisting into his Majesty's or the said Company's service; but any such non-commissioned officer or soldier shall, notwithstanding such subsequent enlistment, be deemed to have deserted, and shall in like manner suffer death, or such other punishments as by a court-martial shall be awarded.

While in such corps can be punished for crimes committed therein.

VI. And whereas doubts have arisen whether soldiers who of right belong to the corps from which they have deserted, may be proceeded against and tried for deserting any other corps in which they may afterwards have enlisted, or from the said Company's service, if they shall not after such subsequent enlisting have been placed in any corps, or for any crime committed by them whilst serving therein; be it therefore enacted, that every such soldier shall be liable to be tried by a court-martial, and be punishable in like manner as if he had originally enlisted in, and of right belonged to the regiment, corps, troop, company, detachment, or party in which he shall be at the time of any subsequent desertion, or committing any offence, notwithstanding it shall have been discovered or known that he had previously belonged to any other regiment, corps, troop, company, detachment, or party, and had not been discharged therefrom: provided always, that if such persons shall be claimed by such other regiment, corps, troop, company, detachment, or party, and proceeded against as a deserter therefrom, his subsequent desertion from any one or more corps in which he may have unwarrantably enlisted, may (unless he shall have been already tried for the same) be given in evidence as an aggravation of his crime; previous notice being always given to such deserter of the fact or facts intended to be produced as evidence upon his trial.

Transportation for desertion.

VII. And be it further enacted and declared, that in case of any non-commissioned officer or soldier tried and convicted of desertion, wheresoever the court-martial which shall pass sentence upon such trial shall not think the offence deserving of capital punishment, such court-martial may, instead of awarding a corporal punishment, adjudge the offender, according to the nature of his offence, if they shall think fit, to be transported as a felon for life, or for a certain term of years; and if such non-commissioned officer or soldier, having been adjudged to be transported as a felon, shall afterwards, without leave from the governor or commanding officer of the place to which he shall have been transported, return into or be found at large without leave as aforesaid, or other lawful cause, within any part of his Majesty's dominions, or any of the possessions or territories which are or may be under the government of the said United Company, other than the place to which he shall have been transported before the expiration of the term limited by such sentence, and shall be convicted thereof in the ordinary course of law, every such person shall be deemed and adjudged guilty of felony, and shall suffer death as a felon, without the benefit of clergy.

Power of commuting death to transportation.

VIII. Provided also, and be it enacted, that in all cases wherein a capital punishment shall have been awarded by a court-martial, it shall be lawful for the officer commanding in chief the forces at the presidency to which the offender shall belong, and having power to appoint or authorize the appointment of such court-martial, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon for life, or for a certain term of years, as to the said officer commanding in chief may seem meet; and if the person so transported in pursuance of such order shall afterwards, without leave from the governor or commanding officer of the place to which he shall have been transported, return into or be found at large without leave as aforesaid, or other lawful cause, within

any part of his Majesty's dominions, or any of the possessions or territories which are or may be under the government of the said Company, other than the place to which he shall have been transported, before the expiration of the term limited by such order, and shall be duly convicted thereof, he shall suffer death.

Deserters may be sentenced to general service.

IX. And be it further enacted, that it shall be lawful for any general court-martial to sentence any non-commissioned officer or soldier, convicted of desertion by such Court, to general service as a soldier; and that the general or commander of the forces at the presidency to which the said offender shall belong, may thereupon direct, that such service shall be in any regiment or regiments or corps of the said Company, and in any country or place or places out of the possessions of the territories under the government of the said Company, or otherwise as he may think fit.

If deserter be a limited service-man, he may be sentenced to serve for life, &c.

X. Provided always, and be it further enacted, that if any non-commissioned officer or soldier in any regiment or corps of the said Company's forces, so convicted of desertion, shall appear to have enlisted for a limited term of years, it shall be lawful for such Court to sentence any such non-commissioned officer or soldier so enlisted in any regiment or corps of the said Company's forces, to serve for life as a soldier, or for any number of years beyond the period for which such non-commissioned officer or soldier shall have enlisted in the regiment in which he so enlisted, or generally in any regiment or corps which the general or commander of the forces at the presidency where such offender shall be tried shall please to direct; and any non-commissioned officer or soldier may in any case, in addition to any service, be further adjudged to forfeit all benefit or advantage as to increase of pay, or as to pension or discharge, which might otherwise have accrued to such non-commissioned officer or soldier from the length or nature of his service; and such forfeiture may, in such cases of desertion, be adjudged in addition to any other punishment, if the Court should think fit.

A mark on deserters.

XI. And be it further enacted, that it shall be lawful for any general court-martial, before which any non-commissioned officer or soldier shall be tried and convicted of desertion, to direct, if it shall so think fit, in addition to any other punishment such Court may award for such desertion, that such deserter be marked on the left side, two inches below the armpit, with the letter (D.), such letter not to be less than half an inch long, and to be marked upon the skin with ink or gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Notice to a Judge, &c. of the award, &c. of transportation.

XII. Provided always, and be it further enacted, that whenever any sentence of transportation passed by any court-martial in the East-Indies, or in the other possessions or territories which are or may be under the government of the said Company beyond the seas or in foreign parts, is to be carried into execution, or mercy shall be extended to any offender liable to the punishment of death by the sentence of any court-martial upon condition of transportation, the same shall be notified in writing by the officer commanding in chief, or in the absence of the officer commanding in chief, then by the adjutant-general for the time being, to some Judge of the Supreme Court of Judicature of the Presidency under which such offender shall serve; and thereupon such Judge shall make an order for the transportation of such offender, upon the terms and for the time which shall be specified in such notification, and shall also make such other order or orders, and do all such other acts consequent upon the same, as any such Judge is authorized to make or do with respect to offenders ordered to be transported by sentence of the Criminal Courts of India; and the Governor in Council of such presidency, or Governors of such settlement, island, territory, or

country respectively, shall and they are hereby required to take order for the transportation of all such offenders accordingly; and all such orders and acts shall be obeyed and done in respect to such offenders, and shall have the like consequence, as in cases of persons convicted of crime and sentenced to be transported, or receiving pardon on condition of transportation; and every person so ordered to be transported shall be subject respectively to all and every the provision and provisions made by law and now in force concerning persons convicted of any crime and sentenced to be transported, or receiving pardon on condition of transportation.

Offenders, where sentence is conditionally remitted, subject to the law touching the escape of felons, &c.

XIII. And be it further enacted, that if any offender under sentence of death by a court-martial as aforesaid shall obtain any such conditional remission of such sentence as aforesaid, all and every the laws now in force touching the escape of felons under sentence of death, shall apply to such offender, and to all persons aiding, abetting, or assisting in any escape or intended escape of any such offender, or contriving any such escape, from the time when such order shall be made by such Judge as aforesaid, and during all the several proceedings which shall be had for the purposes aforesaid.

Governor-general, or Governor in Council, may suspend proceedings.

XIV. And be it further enacted, that it shall and may be lawful for the Governor-general or Governor in Council of any of the said Company's Presidencies in India, to suspend the proceedings of any court-martial which may at any time be holden upon any person belonging to such presidencies respectively.

Warrant to hold courts-martial; none lower than a field officer can convene, &c.

XV. And be it further enacted, that his Majesty may from time to time grant a commission or warrant under his royal sign manual, unto the Court of Directors of the said United Company, who by virtue of such commission or warrant shall have power, under the seal of the said United Company, to authorize and empower their Governor-general in Council, and Governor in Council for the time being, at the presidencies of Fort William, Fort Saint George and Bombay respectively, and their Governors and Council for the time being at the said island of Saint Helena, from time to time to appoint courts-martial, and to authorize and empower the general or other officer commanding any body of the forces employed in the said Company's service to appoint general courts-martial, as well as to authorize any officer under their respective commands, not below the degree of a field officer, to convene general courts-martial as occasion may require, for the trial of offences committed by any of their forces under their several commands, whether the same shall have been so committed before or after such general officer shall have taken upon himself such command; all which courts-martial shall be constituted and shall regulate their proceedings according to the several provisions herein-after specified.

None tried a second time for the same offence, unless in case of appeal.

XVI. Provided always, and it is hereby declared and enacted, that no officer or soldier, being acquitted or convicted of any offence, shall be liable to be tried a second time by the same or any other court-martial for the same offence, unless in the case of an appeal from a regimental to a general court-martial; and that no sentence given by any court-martial, and signed by the president thereof, shall be liable to be revised more than once: provided always, that nothing in this Act contained shall extend or be construed to exempt any officer or soldier whatsoever from being proceeded against by the ordinary course of law, unless such officer or soldier shall have been tried by a court-martial in manner herein-before provided in respect of offences committed within the territories of any foreign state, or in any country under the protection of his Majesty, or the said United Company, or at any place in the

Soldiers liable to ordinary proceedings of a court of law, &c.

territories of the said United Company situate above one hundred and twenty miles from the said presidencies of Fort William, Fort Saint George, and Bombay respectively.

Persons accused of capital crimes, &c. to be delivered to the civil magistrate.

XVII. And be it further enacted, that if any officer or non-commissioned officer or soldier shall be accused of any capital crime, or of any violence or offence against the person, estate, or property of any of his Majesty's subjects, or any other person entitled to his Majesty's protection, or to the protection of the respective governments of the East-India Company, or of any state in alliance with the said Company, which is punishable by the known laws of the land, the commanding officer or officers of every regiment, troop, company, or party, is and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate, and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial; and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding or assisting to the officers of justice in apprehending such offender, every such officer so offending, and being thereof convicted upon any information or indictment in any of his Majesty's Courts of Record in India, shall be deemed and taken to be cashiered, and shall be utterly disabled to have or to hold any civil or military office or employment in the said United Company's service in the East-Indies, provided a certificate of the said conviction be transmitted to the Judge Advocate-general of the army to which such offender shall belong: provided always, that nothing herein contained shall extend, or be construed to extend, to require the delivery over to the civil magistrate of any such person accused of any offence, who shall have been tried for such offence by any court-martial in manner hereinbefore provided, in respect of offences committed within the territories of any foreign state, or in any country under the protection of his Majesty or the said United Company, or at any place in or out of the territories of the said United Company, situate above one hundred and twenty miles from the said presidencies of Fort William, Fort Saint George, and Bombay respectively, or against whom any effectual proceeding shall have been taken, or ordered to be taken, for the purpose of bringing such person to trial by such court-martial as aforesaid: provided also, that no person or persons, being acquitted or convicted of any capital crime, violence for offence, by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

After such trial persons can only be cashiered by a court-martial.

Officers, &c. imprisoned, to receive no pay; but if acquitted they shall receive arrears of pay.

XVIII. And be it further enacted, that no officer, non-commissioned officer, or soldier, who shall be arrested and committed to prison upon a charge of any criminal offence, shall be entitled to receive any part of his pay from the day of such commitment till the day of return to the regiment, troop, company, or detachment to which he shall belong, or which he shall be ordered to join; provided that if he shall be acquitted of the offence for which he was committed, he shall upon his return to his corps be entitled to receive all arrears of pay which were growing due during the time of his confinement; but if he shall be convicted, he shall forfeit all right to any pay from the day of his commitment during the time of his confinement, as well under the original commitment, as under any commitment consequent upon such conviction, and until the day of his return to the regiment, troop, company, or detachment to which he shall belong, or which he shall be ordered to join.

Constitution of general courts-martial.

XIX. And it is hereby further enacted and declared, that all general courts-martial held under the authority of this Act shall consist of thirteen or nine commissioned officers, as the case may require; except the same shall be holden upon any officer or non-commissioned

officer or private soldier of the said Company's forces which shall be serving in any place out of his Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, in which cases any general court-martial may consist of any number not less than seven; and except the same shall be holden at Sumatra, or at Prince of Wales' Island, or at Singapore, at which places such general court-martial may consist of any number not less than five, of whom none shall be under the degree of a commissioned officer; nor shall the president of any general court-martial be the officer commanding in chief or governor of the garrison where the offence shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain.

Constitution of court-martial of three officers in places out of his Majesty's dominions or out of the possessions of the East-India Company, &c.

XX. Provided always, and be it further enacted, that it shall be lawful for any general or other officer commanding any station, or commanding any detachment, brigade, division, or distinct party belonging to any army of the said Company, which may at any time be serving in any place out of his Majesty's dominions, or of the possessions or territories which are or may be under the government of the said Company, or of the territories of those states in alliance with the said Company, in which the said Company's forces are permanently stationed, upon complaint made to him of any crime or crimes, offence or offences, done or committed against the property or person of any inhabitant of or resident in any such place, by any non-commissioned officer or soldier, or other person serving with or belonging to the Company's army, being under the immediate command of any such general or other officer, to summon and cause to assemble general courts-martial, which shall consist of not less than three officers at the least, for the purpose of trying any such person or persons accused or suspected of having committed any such crime or crimes, or offence or offences as aforesaid, notwithstanding such general or other officer shall not have received any warrant or warrants, empowering such general or other officers to summon or assemble courts-martial; and every such court-martial shall have power to try any such person or persons so accused or suspected as aforesaid, and to adjudge any such person or persons to suffer any such punishments as shall be prescribed for any crime or crimes, offence or offences, with which any such person or persons shall be charged before such court-martial: provided always, that no sentence of any such court-martial shall be executed until the general commanding in chief the army in the field of which the division, brigade, detachment, or party to which any person so tried, convicted, and adjudged to suffer punishment shall belong, shall have approved and confirmed the same: provided also, that every such court-martial shall have such and the same powers for summoning and examining witnesses as any other court-martial; and that witnesses guilty of perjury on examination before them, being persons amenable to this Act, shall be subject and liable to the same penalties and punishments as any witnesses examined before any other court-martial are or shall be by any law or usage in force in relation to any other court-martial.

General court-martial, unless out of the Company's possessions, &c. to consist of thirteen members.

XXI. Provided always, and be it further enacted, that no general court-martial for the trial of any officer, (except the same shall be holden in any place out of his Majesty's dominions, and out of the possessions or territories which are or may be under the government of the said United Company, or on Sumatra, or at Prince of Wales' Island, or at Singapore), shall consist of less than thirteen members.

No general court-martial under thirteen members to pass sen-

XXII. Provided always, and be it further enacted, that no general court-martial, consisting of any less number than thirteen commissioned officers, unless holden in any place out

tence of death, unless held out of the Company's possessions, &c.

of his Majesty's dominions, or out of any of the possessions or territories which are or may be under the government of the said United Company, or on Sumatra, or at Prince of Wales' Island, or Singapore, shall sentence any non-commissioned officer or soldier to loss of life or limb, or transportation.

Corporal or other punishment for immoralities.

XXIII. Provided always, and be it further enacted, that it shall be lawful for such general courts-martial, by their sentence or judgment, to inflict imprisonment, solitary or otherwise, or corporal punishments, not extending to life or limb, as such Court shall think fit, on any non-commissioned officer or soldier, for immoralities, misbehaviour, or neglect of duty; or to adjudge a forfeiture of all benefit or advantage as to increase of pay, or as to pension, which might otherwise have accrued to such non-commissioned officer or soldier, from the length or nature of his service.

Imprisonment may be inflicted.

XXIV. Provided always, and be it further enacted, that it shall be lawful for any general or other court-martial to sentence any non-commissioned officer or soldier to imprisonment in any fortress or garrison, or other suitable place of safe custody.

Such offenders to forfeit their pay.

XXV. And be it further enacted, that every non-commissioned officer or soldier sentenced to imprisonment by any general court-martial shall forfeit all right to any pay or allowances from the day of his commitment during the time of such imprisonment.

Oath to witnesses.

XXVI. And be it further enacted, that all general and other courts-martial shall have powers and authority, and are hereby required to administer an oath, or in case of natives of India, an oath or solemn declaration, as circumstances may require, to every witness, in order to the examination or trial of any of the offences that shall come before them.

Members of general court-martial and Judge Advocate sworn.

XXVII. Provided always, and be it further enacted, that at all general courts-martial to be held by virtue of this Act, every member, before any proceedings be had before such Court, shall take the following oaths upon the Holy Evangelists,(1) before the Judge Advocate or his deputy, who are hereby authorized to administer the same; that is to say,

"You shall well and truly try and determine, according to your evidence, in the "matter now before you.

"So help you God."

"I, *A. B.*, do swear, that I will duly administer justice according to the Rules and "Articles for the better government of the officers and soldiers in the service of the "United Company of Merchants of England trading to the East-Indies, and according "to an Act of Parliament now in force for the punishment of mutiny and desertion of "officers and soldiers in the service of the said United Company, without partiality, "favour, or affection; and if any doubt shall arise, which s not explained by the said "Articles or Act of Parliament, according to my conscience, the best of my under-"standing, and the custom of war in like cases: and I do further swear, that I will "not divulge the sentence of the Court until it shall be approved by the General or "Commander-in-chief, or the person or persons by whose warrant or authority the "court-martial is held; neither will I, upon any account, at any time whatsoever, dis-"close or discover the vote or opinion of any particular member of the court-martial,

" unless required to give evidence thereof as a witness by a Court of Justice or a court-
" martial, in a due course of law.

" So help me God."

And as soon as the said oaths shall have been administered to the respective members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an oath in the following words:

" I do swear, that I will not, upon any account, at any time whatsoever,
" disclose or discover the vote or opinion of any particular member of this court-martial,
" unless required to give evidence thereof as a witness by a Court of Justice or court-
" martial, in due course of law.

" So help me God."

Concurrence in sentence of death.

And no sentence of death shall be given against any offender in such case by any general court-martial, unless nine officers present shall concur therein (except such general court-martial shall be holden in any place out of his Majesty's dominions, or out of any of the possessions or territories which are or may be under the government of the said United Company, or be holden on Sumatra, or Prince of Wales' Island, or Singapore as aforesaid; and in all cases where a court-martial shall consist of more officers than thirteen, and also in any place out of his Majesty's dominions, or out of any of the possessions or territories which are or may be under the government of the said United Company, or on Sumatra, or Prince of Wales' Island, or Singapore, when the same shall consist of a less number of officers, then such judgment shall pass by the concurrence of two-thirds at the least of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of six in the morning and four in the afternoon, except in cases which require an immediate example: provided always, that all witnesses duly summoned by the Judge Advocate, or the person officiating as such, shall, during their necessary attendance in such courts, and in going to and returning from the same, be privileged from arrest, in like manner as witnesses attending any of his Majesty's Courts of law are privileged; and that if any such witness shall be unduly arrested, he shall be discharged from such arrest by the Court out of which the writ or process issued by which such witness was arrested; or if the Court out of which the writ or process issued be not sitting, then by any Judge or any Court of law, according as the case shall require, upon its being made appear to such Court or Judge, by affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and that all witnesses so duly summoned as aforesaid, who shall not attend on such courts, shall be liable to be attached in the Courts of law, upon complaint made to such Judge or Court, in like manner as if such witness had neglected to attend on a trial in any criminal proceeding in that Court.

Witnesses for non-attendance attached.

(1) [The 9 Geo. 4, cap. 74, sec. 126, repeals so much of this Act as requires that the oaths to be taken by members of general or other courts-martial, or Courts of Requests composed of military officers shall be taken upon the Holy Evangelists; and section 38 of that Act directs that all persons required to take an oath for the purpose of sitting or acting as members of any Court civil or criminal, or for any other purpose, may be sworn according to the forms of their respective religions.]

Oaths to be taken by members of courts-martial, not being general courts-martial.

XXVIII. Provided always, and be it further enacted, that at all courts-martial other than general courts-martial, which shall be held by virtue of this Act, or of any articles of war established by his Majesty in pursuance thereof, every member assisting at such court, before any proceedings be had before it, shall take the following oaths on the Holy Evangelists (1) (which oaths shall and may be administered by the President of the Court to other members thereof, and to the President by any member having first taken the said oaths); that is to say,

"You shall well and truly try and determine, according to your evidence, in the "matter now before you.

"So help you God."

"I, *A. B.*, do swear, that I will duly administer justice according to the Rules and "Articles for the better government of the forces of the United Company of Merchants "of England trading to the East-Indies, and according to an Act of Parliament now in "force, for the punishment of mutiny and desertion of officers and soldiers in the service "of the said United Company, without partiality, favour, or affection; and if any "doubt shall arise, which is not explained by the said Articles or Act of Parliament, "according to my conscience, the best of my understanding, and the custom of war in "like cases.

"So help me God."

Rank of President.

And the President of every such court-martial (not being under the rank of a captain) shall be appointed by the commanding officer of the regiment, detachment, or brigade, or the governor or commander of the garrison, fort, castle, or barrack, directing such court-martial.

(1) [See note on section 27.]

Conjunction of King's and Company's officers on courts-martial.

XXIX. And whereas it may be expedient that officers of his Majesty's land forces, when employed in conjunction with officers in the service of the United Company, should in certain cases be associated for the purpose of holding courts-martial; be it enacted and declared, that when and as often as there may be occasion, it shall and may be lawful for officers of his Majesty's land forces, and of the forces in the service of the United Company, to sit in conjunction at courts-martial, and proceed in the trial of any officer and soldier, in like manner to all intents and purposes as if such courts-martial were composed of officers of his Majesty's land forces, or of officers in the service of the said United Company only, with this distinction, that upon the trial of any officer or soldier of his Majesty's land forces, regard shall be had to the regulations and provisions made in pursuance of the Act which shall exist at the time for the punishment of mutiny and desertion in his Majesty's forces; and the oaths administered to the several members of the courts-martial shall be in the terms by that Act prescribed: and upon the trial of any officer or soldier in the service of the said United Company, regard shall be had to the regulations and provisions made by or in pursuance of this Act; and the oaths administered to the several members of the court-martial shall be in the terms prescribed by this Act, notwithstanding any officer in the service of the said United Company may also have a commission from his Majesty

Appointment of courts-martial to be in the officer commanding his Majesty's forces.

XXX. Provided always, and be it enacted, that when and so long as any of his Majesty's forces shall be employed to act within or under the authority of any of the said Company's presidencies in the East-Indies, the power of appointing courts-martial or authorizing the

appointment of courts-martial, for the trial of any officer or soldier of the said Company of or belonging to such presidency, shall be in the officer for the time being commanding in chief such of his Majesty's forces as shall be employed within or under the authority of such presidency.

Person tried may have copy of sentence and proceedings.

XXXI. Provided always, and be it enacted, that the party tried by any general court-martial within the presidencies of Bengal, Madras, or Bombay, shall be entitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself or by any other person or persons on his behalf (he or they paying reasonably for the same), at any time not sooner than six months after such sentences; and in case of trial by any general court-martial in the Company's other possessions beyond the seas or in foreign parts, at any time not sooner than twelve months after the sentence given by such court-martial, whether any such sentence be approved or not; any thing in this Act to the contrary notwithstanding.

Original of proceedings and sentence to be transmitted to the Judge Advocate-general.

XXXII. Provided always, and be it enacted, that every Judge Advocate, or person officiating as such at any general court-martial, do and is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial, to the Judge Advocate-general of the army in which such court-martial shall be held; and the said original proceedings and sentences are to be carefully kept and preserved in his office, to the end that persons entitled thereto may be enabled, upon application to such office, to obtain copies thereof, according to the true intent and meaning of this Act.

The King to make Articles of War.

XXXIII. And be it further enacted, that it shall and may be lawful to and for his Majesty from time to time to form, make, and establish Articles of War for the better government of the said United Company's forces, and the same from time to time to vary, alter, and amend; which Articles of War shall be judicially taken notice of by all Judges, and in all Courts whatsoever.

Copy to the Judges, &c.

XXXIV. And for the more effectual notification thereof to the several Judges and persons herein-after mentioned; be it further enacted, that copies of all such Articles of War, printed by the King's printer, shall from time to time, as soon as conveniently may be after the same shall have been made and established by his Majesty, be transmitted by his Majesty's Secretary at War for the time being, signed with his own hand and name, to the Judges of his Majesty's superior Courts at Westminster, Dublin, Edinburgh, and in India respectively; and also to the governors of his Majesty's colonies, plantations, and territories within the limits of the Charter of the said United Company.

Officers authorized to convene courts-martial.

XXXV. And be it further enacted, that for bringing offenders against such Articles of War to justice, it shall be lawful for his Majesty to grant his royal commission or warrant to the persons and in the manner herein mentioned and expressed, for convening and authorizing others to convene courts-martial, with power to try, hear, and determine any crimes or offences by such Articles of War, and to inflict penalties by sentence or judgment of the same, as well in the possessions or territories which are or may be under the government of the Company, as elsewhere, where the troops of the Company are or may be employed: provided always, that no person shall by such Articles of War be subject to any punish-

None to be adjudged of life or limb but the

crimes so punishable by this Act.

ment extending to life or limb, within the dominions of his Majesty, or the possessions of territories which are or may be under the government of the said United Company, for any crime committed within one hundred and twenty miles distance from either of the presidencies of Bengal, Madras, or Bombay, which is not expressed to be so punishable by this Act.

Offenders may be tried in places other than where the offences have been committed.

XXXVI. Provided always, and be it further enacted, that if any officer or soldier, or any other person subject to the provision of this Act, at any place out of the presidencies of Bengal, Madras, or Bombay, commit any of the offences for which he may be liable to be tried by a court-martial by virtue of this Act, and shall, after the commission of any such offence, go or be sent to any part of his Majesty's dominions, or to any station or part of the possessions or territories under the government of the said Company, or elsewhere, in the course of service abroad, or come or be brought within the said presidencies, or either of them, before he be tried by a court-martial for such offence, such officer or soldier shall be liable to be tried for the same at such other station or part of his Majesty's dominions, or the possessions or territories which are or may be under the government of the said Company, or elsewhere, in the same manner as if the offence had been committed where such trial shall take place.

Courts-martial for the trial of Company's officers and soldiers, may be wholly composed of King's officers when no Company's officer can be had.

XXXVII. And whereas it may sometimes happen that officers in the service of the said United Company cannot conveniently be had to compose the whole or part of a court-martial for the trial of offenders liable to be tried by court-martial by virtue of this Act; be it further enacted, that in any such case any officer or soldier, or person subject to the provisions of this Act, may and shall be tried by a general court martial composed of officers in his Majesty's service alone; provided always, that in every such case the officer convening such court-martial shall specify in his warrant that no officer in the service of the said Company could conveniently be had.

Musters.

Penalty on giving false certificates, 400 sicca rupees.

XXXVIII. And for preventing of fraud and deceit in the mustering of soldiers, be it further enacted, that if any person do make or give, or procure to be made or given, any false or untrue certificate, whereby to excuse any soldier for his absence from any muster, or any other service which he ought to attend or perform, upon pretence of such soldier being employed on some other duty of the regiment, or being sick, in prison, or on furlough, then every such person so making, giving, or procuring such certificate, shall for every such offence forfeit the sum of four hundred sicca rupees, and shall be forthwith cashiered and displaced from his office, and shall be thereby utterly disabled to have or hold any military office or employment in the service of the Company in the East-Indies; and no certificate shall excuse the absence of any soldier but for the reasons above mentioned or one of them.

False musters punishable.

XXXIX. And be it further enacted, that every officer that shall make any false or untrue muster of man or horse, or wittingly or willingly allow or sign the muster roll wherein such false muster is contained, or any duplicate thereof, and also every officer who shall directly or indirectly take or cause to be taken any sum or sums of money, or any other gratuity, on or for the mustering any regiment, troop, or company, or on or for the signing of any muster rolls, or any duplicate thereof, upon proof thereof upon oath made by two witnesses before a general court-martial, to be thereupon called (which is hereby authorized

and required to administer such oath), shall for such offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any civil or military office or employment in the said Company's service in the East-Indies.

Mustering by wrong names.

XL. And be it further enacted, that if any officer shall knowingly muster any person by a wrong name, upon conviction thereof before a general court-martial, the said officer shall be subject to such penalties as are directed and inflicted by this Act upon those who shall make false musters.

Embezzlement by officers, commissaries, &c. how to be punished.

XLI. And be it further enacted, that every paymaster or other commissioned officer of the Company's forces, or any storekeeper or commissary, or deputy or assistant commissary or other person employed in the commissariat department, or in any manner in the care or distribution of money, provisions, forage, or stores belonging to the said United Company, or for the said United Company's forces, or for the use of his Majesty's troops, or other forces serving with the said United Company's forces in India, or who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall knowingly or wilfully permit or suffer any money, provisions, forage, arms, clothing, ammunition, or other such military stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by and before a general court-martial, and it shall be lawful for any court-martial to adjudge any such paymaster or other commissioned officer, storekeeper, or commissary, or deputy or assistant commissary, or other person, to be transported as a felon for life, or for any certain term of years, or to suffer such punishment of fine, imprisonment, dismissal from the Company's service, and incapacity of serving the Company in any office, civil or military, as any such Court shall think fit, according to the nature and degree of the offence; and every such officer or person shall, in addition to any other punishments, make good at his own expense the loss and damage sustained which shall have been ascertained by such court-martial; and the loss and damage so ascertained as aforesaid, may be recovered in any of his Majesty's Courts of Record at the presidency where such offender shall be resident, or in any other Court of law having jurisdiction, where any person adjudged by a court-martial to have incurred any such penalties, or to make good any such losses or damages, shall be resident, after the said judgment shall be confirmed and made known; and after the said sum shall be recovered and levied, the same shall be applied and disposed of as the government of the presidency shall direct and appoint, in case the same shall be recovered within any of the said presidencies, and if not, then as the government of the presidency to which the offender shall have belonged at the time of his offence shall direct and appoint.

Embezzlement by non-commissioned officers.

XLII. And be it further enacted, that every non-commissioned officer who shall be convicted at a general or regimental court-martial of having embezzled or misapplied any money with which he may have been entrusted for the payment to the men under his command, shall be reduced to serve in the ranks as a private soldier, and be put under stoppages until the money be made good, and suffer such corporal punishment (not extending to life or limb) as the court-martial shall think fit.

Paymasters not to make deductions, &c.

XLIII. And be it further enacted, that no paymaster or other person shall receive any fees, or make any deductions whatsoever, out of the pay or allowances which shall be due to any officer or soldier in the Company's army (without his consent be obtained thereto), other than the usual deductions, as shall be from time to time required to be made according to the regulations of the service.

Penalty on such officers for detaining pay and allowances, 800 sicca rupees.

XLIV. And be it further enacted, that if any officer or paymaster shall unlawfully detain or withhold for the space of one month the pay and allowances of any officer or officers (clothes and all other just allowances being deducted) after such pay and allowances shall be by him or them received; or if any officer, having received the soldiers' pay and allowances shall refuse to pay each non-commissioned officer and soldier his or their respective pay and allowances, when they shall become due and payable, according to the several rates established by the regulations of the service, then upon proof thereof before a court-martial as aforesaid, to be for that purpose duly held and summoned, every such paymaster or officer so offending shall be discharged from his employment, and shall forfeit to the informer, upon conviction before the said court, eight hundred sicca rupees, and be liable to such further punishment as shall by the court-martial be awarded: provided always, that it shall and may be lawful for the Governor-general in Council, or the Governor in Council at the said presidencies respectively to give orders for withholding the pay of any officer, non-commissioned officer or soldier, for any period during which such officer, non-commissioned officer, or soldier shall be absent without leave.

Officers, &c. of artillery, engineers, &c. liable to this Act.

XLV. And be it further enacted, that all officers and persons serving and hired to be employed, or who shall serve and be hired to be employed in the artillery, and in the several trains of artillery, and in the department of the engineers, and all officers serving or who shall serve in the corps of engineers, and all officers and persons serving or who shall serve as military surveyors or draftsmen, or in the corps of sappers and miners, or pioneers, and all persons who now are or shall be under the ordnance, and all apothecaries, veterinary surgeons, medical storekeepers, hospital stewards, and others serving on the medical establishment of the army, licensed sutlers and followers, shall be at all times subject to all the penalties and punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the intent and meaning of every part of this Act.

Recruits concealing infirmities punishable.

XLVI. And be it further enacted, that any person who shall enlist into the Company's forces, and who shall be discovered to be incapable of active service, by reason of any infirmity which shall have been concealed by such person, or not declared before the Justice of the Peace at the time of his attestation, and mentioned at the foot thereof, may be transferred into any garrison, or veteran or invalid battalion, or into his Majesty's or Company's marine forces, notwithstanding he shall have been enlisted for any particular regiment, and shall be entitled to receive such portion or residue of bounty only as shall be allowed by the said Company, by any regulation made in that behalf, in lieu and instead of the bounty upon which such man shall have been enlisted; any thing in any Act or Acts of Parliament, or any rules or regulations relating to soldiers, to the contrary notwithstanding.

After embarkation, officers and soldiers subject to mutiny Act.

XLVII. And be it further enacted, that all officers and soldiers who shall be enlisted in or transferred to the service of the United Company, and all officers in the said Company's service who may proceed in charge of, or be appointed to do duty with such enlisted or transferred officers and soldiers, shall, from and after their embarkation to go abroad to such place whereto they shall be sent in the service of the said Company, be and hereby are adjudged to be, during their passage, subject to all the provisions and regulations of this Act, and to all such provisions and regulations as officers and soldiers in the pay of the said United Company shall from time to time be subject to at the garrison or place to which such officers and soldiers shall be sent.

Offences by such, previous to arrival at destination, cognizable after their arrival.

XLVIII. And forasmuch as it may happen that offences may be committed by the said officers and men after their embarkation, and before their arrival at their place of destination

abroad, which nevertheless cannot be tried and punished during their passage in such manner as such offences ought to be tried and punished; be it therefore enacted, that in every such case every such officer or soldier shall and may, after his arrival at his place of destination abroad, be tried and punished for every offence committed after his embarkation and before his arrival, in the same manner as he would have been liable to be tried and punished if such offence had been committed in any place where the offender could have been tried by any court-martial held under the authority of this Act.

Debts due by deceased officers, &c., considered regimental debts, to be paid in preference to others.

XLIX. And be it further enacted, that all sums of money due by deceased officers and soldiers in respect of any military clothing, appointments, and equipment, or in respect of any quarters, or of any mess or regimental accounts, and all sums of money due to any agent or paymaster, or quartermaster, or any other officer upon any such accounts, or on account of any advance made for any such purpose, shall be deemed and taken to be regimental debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty money, or the equipage, goods, chattels, and effects of any officer or soldier dying while in the service of the said United Company, in preference to any other debts, claims, or demands whatsoever, upon the estate and effects of such officer or soldier; and if any doubt shall arise as to whether any claim or demand made in relation to any officer or soldier is a regimental debt or not, such question shall be decided and concluded by the order or certificate of the military secretary to the government of the presidency to which such officer or soldier shall have belonged; and all such payments shall be good and valid in law; and every person who shall make any such payment out of any such arrears of pay, effects, or proceeds as aforesaid, under the provisions of this Act, or in pursuance of any such order or certificate of such military secretary, or into whose hands any such money shall come, shall be and are hereby indemnified for and in respect of such payments, and all other acts, matters, and things done in pursuance of the provisions of this Act, or of the order or certificate of the said military secretary, in relation to the distribution of such assets; any thing in any Act or Acts of Parliament, or law or laws, to the contrary notwithstanding.

Surplus to be paid to person entitled.

L. And be it further enacted, that it shall be lawful for such military secretary to cause all surplus which may remain, after satisfying such regimental debts as aforesaid, to be paid to the person or persons entitled thereto.

Regimental debts to be paid without probate of will, &c. being obtained.

LI. And be it further enacted, that all such regimental debts shall and may be paid without any probate of any will being obtained, or any letters of administration, or any confirmation of testament, or letters testamentary or dative, being taken out by any person, and the surplus only of such arrears of pay or allowances, prize or bounty money, equipage, goods, and chattels, or the proceeds thereof, shall be deemed the personal estate of the deceased, for the payment of any duty in respect of any probate, or of any letters of administration, or confirmation of testament, or letters testamentary or dative, or for the purpose of distribution as personal estate; and it shall be lawful for the said military secretary to order and direct the payment or distribution of any such surplus, in any case in which the same shall not exceed two hundred sicca rupees, without any probate, or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty of stamps, or upon legacies or otherwise; and it shall also be lawful for any paymaster or other person to issue any sum not exceeding the value of two hundred sicca rupees, which may be due to any officer deceased, or to the widow or relative of any officer deceased, or to the representative or representatives of any such officer's widow or relative, in like manner,

without any probate or letters of administration, or confirmation of testament, or letters testamentary or dative, or payment of any duty of stamps, or upon legacies or otherwise, the same to be paid to the person who shall be notified by the said military secretary as aforesaid as being entitled thereto; and all such payments respectively shall be as valid and effectual, to all intents and purposes, as if the same had been made by or to any executor or administrator, or under the authority of any probate, or letters of administration, or confirmation of testament, letters testamentary or dative; any thing in any Act or Acts of Parliament, or law or laws, to the contrary notwithstanding. (1)

(1) [The 6 Geo. 4, cap. 61, authorizes the collection of effects of deceased officers and soldiers, and the conduct of suits for their recovery, without administration. The proceeds may also be remitted without administration, unless administration to any other effects has been taken out. The same Act directs that charges attending the illness or funeral of the deceased may be allowed, and the surplus only, deemed the personal estate of the deceased.]

Soldiers entitled to discharge sent home free of expense.

LII. And be it further enacted, that every soldier entitled to his discharge under any orders or any regulations made by the said Company, or upon the expiration of any period for which he shall have engaged to serve, shall be sent to Great Britain or Ireland, free of expense, and be entitled on his return to have and receive marching money from the place of his being landed to the parish or place in which he shall have been originally enlisted, at the rate and reckoning per diem fixed for victualling soldiers in his Majesty's service on the march.

Such persons subject to this Act till their arrival at and debarkation in Great Britain, &c.

LIII. Provided also, and be it further enacted, that every such soldier entitled to and claiming his discharge, and to be sent to Great Britain or Ireland, shall, until his arrival and debarkation in Great Britain or Ireland, be subject to the provision of this Act, and the Articles of War framed or to be framed by his Majesty for the better government of the Company's forces.

A person acknowledging himself to be a deserter to be deemed duly enlisted.

LIV. And be it further enacted, that any person who shall voluntarily surrender or deliver himself up as a deserter from any regiment or corps of the said Company's forces, or who upon being apprehended for desertion or any other offence shall, in the presence of the magistrate or of the commanding officer of the place, confess himself to be a deserter from any such regiment or corps, shall be deemed to have been duly enlisted, and to be a soldier, and shall be liable to serve in any such regiment or battalion or corps of the said Company's forces, as the commander of the forces of the said Company shall think fit to appoint, whether such person shall have been ever actually enlisted as a soldier or not.

No soldier liable to process, except for a criminal matter, or a real debt amounting to 200 sicca rupees.

LV. And to prevent, as far as may be, any unjust or fraudulent arrests that may be made upon soldiers, whereby the said United Company may be deprived of their services, it is hereby further enacted, that no person who is or shall be listed, or who shall list and enter himself in the Company's service as a soldier, shall be liable to be taken out of the Company's service, by any process or execution whatever, other than for some criminal matter, unless for a real debt or other just cause of action, and unless before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other

person or persons on his or their behalf, shall make affidavit before one or more Judge or Judges of the Court of Record, or other Court out of which such process or execution shall issue, or before some person authorized to take affidavits in such Courts, that to his or their knowledge the original sum justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be sued out, amounts to the value of two hundred sicca rupees at the least, over and above all costs of suit in the same action, or in any other action on which the same shall be granted; a memorandum of which oath shall be marked on the back of such process or writ, for which memorandum or oath no fee shall be taken; and if any person shall nevertheless be arrested contrary to the intent of this Act, it shall and may be lawful for one or more Judge or Judges of such Court, upon complaint thereof made by the party himself, or by any of his superior officers, to examine into the same by the oath of the parties or otherwise, and by warrant under his or their hand and seal, or hands and seals, to discharge such soldier so arrested contrary to the intent of this Act, without paying any fee or fees, upon due proof made before him or them that such soldier so arrested was legally enlisted as a soldier in the Company's service, and arrested contrary to the intent of this Act, and also to award to the party so complaining such costs as such Judge or Judges shall think reasonable, for the recovery whereof he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action.

Plaintiff may file a common appearance.

LVI. And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entering into and enlisting in the Company's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits, and instead of an arrest, which may at once hurt the service and occasion great expense and delay to themselves, may be enabled to proceed in a more easy and cheap method; be it further enacted, that it may and shall be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their last place of residence before such listing, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to entitle such plaintiff to proceed therein to judgment and outlawry, and to have an execution thereupon other than against the body or bodies of him or them so listed as aforesaid; this Act, or anything herein, or any former law or statute to the contrary notwithstanding.

Where troops are serving beyond the jurisdiction of the Courts of Requests, actions of debt not exceeding 400 sicca rupees shall be cognizable before a military court, consisting of five and not less than three commissioned officers, &c.

LVII. And be it further enacted, that in all places where the said Company's forces now are or may be employed, or where any body of his Majesty's forces may be serving with the forces of the said Company, situate beyond the jurisdiction of the Court of Requests established at the cities of Calcutta, Madras, and Bombay respectively, actions of debt and all personal actions against such officers, non-commissioned officers, or soldiers, all persons licensed to act as sutlers to any corps or detachment, or at any station or cantonment, or other persons amenable to the provisions of this Act, or resident within the limits of a military cantonment, shall be cognizable before a Court of Requests composed of military officers, and not elsewhere; provided the value in question shall not exceed four hundred sicca rupees, and that the defendant was a person of the above description when the cause of action arose; which Court the commanding officer of any station or cantonment is hereby authorized and empowered to convene, and the said Court shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall not

be under the rank of a captain; and every member assisting at any such Court, before any proceedings to be had before it, shall take the following oath upon the Holy Evangelists;(1) which oath shall be administered by the president of the Court to the other members thereof, and to the president by any member having first taken the said oath; (that is to say,)

"I swear, that I will duly administer justice, according to the evidence, in the "matter that shall be brought before me. So help me God."

Witnesses to be examined on oath.

And every witness before any such Court shall be examined on oath, which such Courts are hereby authorized to administer, or if natives of the East-Indies, on oath or solemn declaration, as the circumstances of the case may require; and it shall be competent for such Courts,

Powers of Court.

upon finding any debt or damage due, either to award execution thereof generally, or to direct that the whole or any part thereof shall be stopped and paid over to the creditor out of any pay or public money which may be coming to the debtor in the current or any future month; and in case the execution shall be awarded generally, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the debtor's goods as may be found within the camp, garrison, or cantonment, under a written order of the commanding officer, grounded on the judgment of the Court, and the goods of the debtor, if found within the limits of the Company's garrison or cantonment to which the debtor shall belong at any subsequent time, shall be liable to be seized and sold in satisfaction of any remainder of such debt or damages; and if sufficient goods shall not be found within the limits of the camp, garrison, or cantonment, then any public money, or any sum not exceeding the half-pay accruing to the debtor, shall be stopped in liquidation of such debt or damage; and if such debtor shall not receive pay as an officer or soldier, or from any public department, but be a sutler, servant, or follower, he shall be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries, for the space of two months, unless the debt be sooner paid: provided always, that from and after the time limited

53 Geo. 3, c. 155.

for the commencement of this Act, so much of an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges, for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," as gives to magistrates the cognizances of debts due from officers or soldiers, being British subjects, to the natives of India resident without the jurisdiction of the Courts of Requests therein mentioned, shall be and the same is hereby repealed accordingly.

(1) [See note on section 27.]

Soldiers confined for debt not to receive pay.

LVIII. And be it further enacted, that from the commencement of this Act, no soldier being arrested or confined for debt in any prison, gaol, or other place, shall be entitled to any part of his pay or allowances, from the day of such arrest or confinement until the day of his return to the regiment, troop, company, or detachment to which he shall belong, or shall be ordered to join.

Soldiers taken prisoners forfeit pay.

LIX. And be it further enacted, that every soldier who shall be taken prisoner by the enemy shall forfeit all right or claim to pay and allowance during the period of his remaining a prisoner, and until he shall again return to the Company's service: provided always, that upon the return of every soldier to the Company's service, due inquiry shall be made as to the

conduct of such soldier in relation to his being made prisoner, and during the period of his so remaining a prisoner, and before return to service, by some general or regimental or garrison or other court-martial, which shall be constituted under any Article of War made by his Majesty, for the purpose of investigating such cases; and every soldier who shall prove to the satisfaction of the Court, by oath of himself or others, or in such manner as such Court shall require (and which oath every such Court is hereby authorized to administer), that he was fairly and unavoidably taken prisoner in the course of service, without any wilful neglect of duty on his part, and that he hath not served with or under or in any manner aided or assisted the enemy, and that he hath returned as soon as possible to the Company's service, shall be thereupon entitled to receive either the whole of any such arrears of pay or allowances, or a proportion thereof, as shall be adjudged by any such Court.

Soldiers, on proving that they were unavoidably taken prisoners, may recover arrears of pay.

LX. And be it declared and enacted, that all officers and persons who are or shall be commissioned or employed in the commissariat department, or as storekeepers, and all civil officers who are or shall be employed by or act under the ordnance, and who are or shall be placed under the command of any general or other officer, shall be to all intents and purposes liable to the provisions of this Act, and to the same Rules and Articles of War, and the same penalties and punishments, as in case of the Company's other forces.

Persons and civil officers employed in the commissariat and ordnance liable to this Act.

LXI. And whereas great mischief and inconvenience may arise if it should be doubted whether troops in pay, raised or serving in any of the possessions or territories which are or may be under the government of the said United Company, or places which are or may be occupied by persons subject to the government of the said Company, or by any forces of the said Company, are, while under the command of any officer having a commission immediately from the government of any of the presidencies of the said Company, liable to the Rules and Articles of War, and the same penalties and punishments as the Company's other forces are subject to; to prevent such mischief, and remove all doubts, be it declared and enacted, that all officers and soldiers of any troops being mustered and in pay, which have been or are or shall be raised or serving as aforesaid, shall at all times and in all places be liable to martial law and discipline, and to the same trials, penalties, and punishments, in like manner, to all intents and purposes, as the Company's other forces.

Troops in places in possession of the Company, or occupied by persons subject to the Company, liable to the Articles of War.

LXII. Provided always, and be it further enacted, that nothing in this Act contained shall in any manner impeach or affect any matters enacted or declared respecting officers or soldiers being natives of the East-Indies, or other places within the limits of the said Company's Charter, contained in the said Act passed in the fifty-third year of his late Majesty,(1) but that all such matters shall be of the same force, in respect of such native officers and soldiers, as if this Act had not been made.

This Act not to affect 53 Geo. 3, c. 155, as to any regulation respecting the native troops.

(1) [53 Geo. 3, cap. 155, sec. 96 and 97. See also 3 & 4 Wm. 4, cap. 85, sec. 73.

LXIII. And be it further enacted, that whenever any portion of such native troops shall be serving in any country or place out of the possessions or territories which are or may be under the government of the said United Company, whether such be the dominions of his Majesty or elsewhere, on the trial of all offences committed by any native officer, or soldier or follower, reference shall be had to the Articles of War framed by the government of the

Native troops to be always subject to Articles of War of Presidency to which they shall belong.

presidency to which such native officer, soldier, or follower, shall belong, and to the established usages mentioned and confirmed in the said last recited Act.(1)

(1) [*Vide* note on section 62.]

Punishment for false swearing.

LXIV. And be it further enacted, that any person wilfully and knowingly giving false testimony on oath or solemn declaration in any case wherein an oath or solemn declaration is required to be made by this Act, shall be deemed guilty of wilful and corrupt perjury, and being thereof duly convicted shall be liable to such pains and penalties as by any laws now in force any persons convicted of wilful and corrupt perjury are subject and liable to; and every commissioned officer convicted before a general court-martial of perjury shall be cashiered; and every non-commissioned officer or soldier, or other person amenable to the provisions of this Act, found guilty thereof, shall be punished at the discretion of a general or regimental court-martial.

Persons may plead the general issue.

LXV. And be it further enacted, that if any action, bill, plaint, or suit, shall be brought against any person or persons, for any act, matter or thing to be acted or done in pursuance of this Act, it shall and may be lawful to and for all and every person or persons sued as aforesaid, to plead thereto the general issue, that he or they are not guilty, and to give this Act and the special matter in evidence on any trial to be held thereupon, and that the same was done in pursuance and by authority of this Act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the verdict shall pass with the said defendant or defendants in any such action, or the plaintiff or plaintiffs therein become nonsuited, or suffer any discontinuance thereof, that in every such case the justice or justices or such other judge before whom the said matter shall be tried, shall by force and virtue of this Act allow unto the defendant or defendants his or their treble costs, which he or they shall have sustained by reason of their wrongful vexation in defence of the said action or suit, for which the said defendant or defendants shall have the like remedy as in other cases where the costs by the laws of the realm are given to defendants.

Suits against such persons to be brought before the Courts of Record at the Presidency, or at Westminster.

LXVI. And be it further enacted, that every bill, plaint, action, or suit against any person or persons for any act, matter, or thing to be acted or done in pursuance of this Act, or against any member or minister of a court-martial, in respect of any sentence of such court, or of any thing done by virtue or in pursuance of such sentence, shall be brought into the Court of Record at the presidency under which such person is serving, or in the Courts of Record at Westminster, and in no other court whatsoever.

Penalty on persons concealing deserters, &c. receiving arms, grain, forage, &c.

LXVII. And be it further enacted, that if any person shall harbour, conceal, or assist any deserter from the Company's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of one hundred and sixty sicca rupees, and upon conviction, by the oath of one or more credible witness or witnesses, before any of his Majesty's Justices of the Peace, the said penalty of one hundred and sixty sicca rupees shall be levied by warrant under the hand of such Justice of the Peace, by distress and sale of goods and chattels of the offender; one moiety of the said penalty to be paid to the informer, and the other moiety to be paid to the government of the presidency under which such offender is resident; and a report of the penalty being adjudged shall be made to the government by the Justice of the Peace by whom the same shall have been imposed; and in case any such offender, who shall be convicted as aforesaid of harbouring, concealing, or assisting any such deserter, shall not have sufficient goods and chattels whereon distress may be made,

to the value of the penalty awarded against him or her for such offence, or shall not pay such penalty within four days after such conviction, then and in such case such Justice of the Peace shall and may, by warrant under his hand and seal, commit such offender to the common gaol, there to remain without bail or mainprize for the space of six months; provided also, that if any person shall knowingly detain, buy, or exchange, or otherwise receive from any soldier or deserter, or any other person, upon any account or pretence whatsoever, any arms, clothes, caps, or other furniture belonging to the said Company, or furnished and provided for the use of any troops or forces serving with the forces of the said Company, or any meat, drink, beer, or other provision, provided under any regulations relating thereto, or any such articles belonging to any soldier or deserter, as are generally deemed regimental necessaries, according to the custom of the army, being provided for the soldier and paid for by deductions out of his pay, or cause the colour of any such clothes to be changed, the person so offending shall forfeit for every such offence the sum of forty sicca rupees; and if any person shall buy or receive any grain, hay, straw, or other forage, provided for the use of any horse or horses belonging to the Company's service, from any trooper or other soldier, knowing him to be such, or shall move, procure, counsel, solicit, or entice any trooper or other soldier, knowing him to be such, to sell or otherwise dispose of any such grain, hay, straw, or other forage as aforesaid, the person so offending shall forfeit for every such offence the sum of forty sicca rupees; and upon conviction by the oath of one or more credible witness or witnesses, before any of his Majesty's Justices of the Peace, the said respective penalties of forty sicca rupees, and forty sicca rupees shall be levied by warrant under the hand of such Justice of the Peace, by distress and sale of goods and chattels of the offender; one moiety of the said first-mentioned penalty of forty sicca rupees to be paid to the informer, and one moiety of the said last-mentioned penalty of forty sicca rupees to be paid to the informer, and the residue of the said respective penalties to be paid to the government of the presidency under which such offender shall be resident; and in case any such offender who shall be convicted as aforesaid of having knowingly received any arms, clothes, caps, or other furniture belonging to the Company, or any such meat, drink, beer, or other provisions, or any such articles generally deemed regimental necessaries, or of having caused the colour of such clothes to be changed, or of having bought or received any grain, hay, straw, or other forage, provided for the use of any horse or horses belonging to the Company's service, from any trooper or other soldier, knowing him to be such, or of having moved, procured, counselled, solicited, or enticed any trooper or other soldier, knowing him to be such, to sell or otherwise dispose of any such grain, hay, straw, or other forage as aforesaid, contrary to the intent of this Act, shall not have sufficient goods and chattels whereon distress may be made to the value of the penalties recovered against him or her for such offence, or shall not pay such penalties upon such conviction, or give sufficient security for payment thereof, within the space of four days from such conviction, then and in such case such Justice of the Peace shall and may, by warrant under his hand and seal, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such offender to be publicly or privately whipped, at the discretion of such Justice.

Penalty on persuading soldiers to desert.

LXVIII. And be it further enacted, that if any person or persons shall, in any part of the territories which are or may be under the government of the said Company, directly or indirectly persuade or procure any soldier or soldiers in the service of the said Company to desert or leave such service as aforesaid, every such person or persons so offending as aforesaid, and being thereof lawfully convicted, shall for every such offence forfeit to the said Company, or to any other person or persons who shall sue for the same, the sum of

eight hundred sicca rupees; and if it shall happen that any such offender so convicted as aforesaid hath not any goods and chattels, land or tenements, to the value of eight hundred sicca rupees, to pay and satisfy, or if, from the circumstances and heinousness of the crime, it shall appear to the Court before which the said conviction shall be made as aforesaid, that any such forfeiture is not sufficient punishment for such offence, it shall be lawful for such Court to commit any such offender to prison, there to remain for any time not exceeding twelve months, without bail or mainprize.

Penalties how recoverable.

LXIX. And be it further enacted, that all penalties by this Act imposed for persuading or procuring any soldier to desert, may and shall be sued for and be recoverable in his Majesty's Court of Record at the presidency under which such offender shall be resident.

Limitation of actions.

LXX. Provided always, and be it further enacted, that no action shall be brought or prosecution carried on by virtue of this Act, for the penalties aforesaid, unless the same be commenced within six months after the offence is committed.

Offences against former Mutiny Act punishable.

LXXI. And in order to prevent all doubts that may arise in relation to punishing crimes and offences committed against the said Act, made in the twenty-seventh year of the reign of his late Majesty King George the Second, and against any of the Articles of War made and established by virtue of the same; be it further enacted, that all crimes and offences which have been committed against the said last-mentioned Act, or against any of the Articles of War made and established by virtue of the same, shall and may be inquired of, heard, tried, determined, adjudged, and punished, before and by the like Courts, persons, powers, authorities, ways, means, and methods, as the like crimes and offences committed against this Act may be inquired of, heard, tried, determined, adjudged, and punished; and every warrant for holding any court-martial, under the said Act of the twenty-seventh year of the reign of King George the Second, shall remain in full force, notwithstanding the repeal of such Act; and proceedings of any court-martial upon any trial began under the authority of such former Act, shall not be discontinued by the repeal of the same; but it shall be lawful to proceed to judgment upon any such trial, and to carry such judgment into execution, in like manner as if the proceedings had been commenced under the authority of this Act; provided always, that no person shall be liable to be tried and punished for any offence against the said Act of the twenty-seventh year of the reign of King George the Second, or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more than three years before the issuing of the commission or warrant for such trial: unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried under such commission or warrant, to be issued at any time not exceeding two years after the impediment shall have ceased; or unless the conduct of the person accused shall have been submitted to the consideration of the Court of Directors, by the Governor-general, or Governor in Council of the presidency to which such person shall belong, in which case such person shall be liable to be tried under such commission or warrant, to be issued at any time not exceeding five years after his offence shall have been committed.

Such offences not liable to cognizance if committed three years before, unless the offender had absented himself, &c.

Regulations and orders, though not provided for by former Acts, to be in force till this Act be published.

LXXII. And be it further enacted and declared, that all regulations and orders made respecting the administration of justice by courts-martial, or in any manner respecting the government, economy, or discipline of officers or soldiers and followers of the army of the said United Company, although not expressly provided for in the said Act passed in the

twenty-seventh year of his Majesty King George the Second, intituled, "An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the United Company of Merchants of England trading to the East-Indies, and for the Punishment of Offences committed in the East-Indies, or at the Island of Saint Helena," and acted upon by the governments or military authorities at the several presidencies of Fort William, Fort Saint George, and Bombay, are and shall be to all intents or purposes valid, and shall continue valid until this Act shall be published and in force; and all acts or proceedings done or had under such orders or regulations are hereby ratified and confirmed. 27 G. 2, c. 9.

Section 73, relating to postage of seamens' and soldiers' letters is repealed by 1 Vic. cap. 32.

LXXIV. And be it further enacted, that this Act shall commence and take effect from and after the first day of February one thousand eight hundred and twenty-four, except where any other commencement is particularly directed; and that from and after such day, all powers and provisions contained in the said Act of the twenty-seventh year of the reign of his Majesty King George the Second, shall cease and determine, and that the said Act shall be and is hereby repealed, except so far as is herein-before provided in that behalf; and the whole of the said Act of the first year of the reign of his Majesty King George the Third shall be and is hereby repealed. Commencement of this Act.

---

## 4 GEORGII IV. Cap. LXXXIII.

An Act *for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandizes intrusted to Factors or Agents.* [18*th July* 1823.]

Whereas it has been found that the law, as it now stands, relating to goods shipped in the names of persons who are not the actual proprietors thereof, and to the deposit or pledge of goods, affords great facility to fraud, produces frequent litigation, and proves, in its effects, highly injurious to the interests of commerce in general; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of sale, with any goods, wares, or merchandize, and by whom such goods, wares or merchandize shall be shipped in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares, and merchandize to a lien thereon, in respect of any money or negociable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares, or merchandize shall be shipped, or in respect of any money or negociable security or securities received by him, her, or them to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true

Persons in whose names goods shall be shipped, shall be deemed to be the true owners, so as to entitle consignees to a lien thereon in respect of their advances, or of money or negociable securities received by the shippers to the use of the consignees, provided the consignees have no notice that the consignors are not the actual proprietors of such property.

owner or owners of such goods, wares, and merchandize; provided such consignee or consignees shall not have notice, by the bill of lading for the delivery of such goods, wares, or merchandize, or otherwise, at or before the time of any advance of such money or negociable security, or of such receipt of money or negociable security, in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors of such goods, wares, and merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in anywise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares, or merchandize are so shipped as aforesaid, shall be taken for the purposes of this Act to have been intrusted therewith, unless the contrary thereof shall appear or be shewn in evidence by any person disputing such fact.

Any person may take goods or bill of lading in deposit from any consignee; but such person shall not acquire any further right than the consignee possessed.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any goods, wares, or merchandize, or the bill or bills of lading for the delivery thereof, in deposit or pledge, from any consignee or consignees thereof, but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title, or interest, in or upon or to the said goods, wares, or merchandize, or any bill of lading for the delivery thereof, than was possessed, or could or might have been enforced by the said consignee or consignees at the time of such deposit or pledge as a security as aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest, as was possessed, and might have been enforced, by such consignee or consignees, at the time of such deposit or pledge as aforesaid; any rule of law, usage, or custom to the contrary notwithstanding.

Right of the true owner to follow his goods while in the hands of his agent, or of his assignees in case of bankruptcy, or to recover them from assignees, &c. upon paying his advances secured upon them, &c.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true owner or owners, proprietor or proprietors of such goods, wares, or merchandize, from demanding and recovering the same from his, her, or their factor or factors, agent or agents, before the same shall have been so deposited or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her, or their bankruptcy; nor to prevent any such owner or owners, proprietor or proprietors, from demanding or recovering of and from any person or persons, or of or from the assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies politic or corporate, such goods, wares, or merchandize, so consigned, deposited, or pledged, upon repayment of the money, or on restoration of the negociable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negociable security or securities such person or persons, his, her, or their assignee or assignees, or such body or bodies politic or corporate, may be entitled to any lien upon such goods, wares, or merchandize; nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such goods, wares, or merchandize, after deducting thereout the amount of the money or negociable security or securities so advanced or given upon the security thereof as aforesaid; provided always, that in case of the bankruptcy of such factor or agent, the owner of the goods so pledged and redeemed as aforesaid shall be held to have discharged *pro tanto* the debt due by him to the bankrupt's estate.

This Act was amended by 6 Geo. 4, cap. 94.

## 4 GEORGII IV. Cap. XCI.

AN ACT *to relieve his Majesty's Subjects from all Doubt concerning the Validity of certain Marriages solemnized Abroad.* [18*th July* 1823.]

Whereas it is expedient to relieve the minds of all his Majesty's subjects from any doubt concerning the validity of marriages solemnized by a minister of the Church of England in the chapel or house of any British embassador or minister residing within the country to the Court of which he is accredited, or in the chapel belonging to any British factory abroad, or in the house of any British subject residing at such factory, as well as from any possibility of doubt concerning the validity of marriages solemnized within the British lines by any chaplain or officer, or other person officiating under the orders of the commanding officer of a British army serving abroad; be it declared and enacted, and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all such marriages as aforesaid shall be deemed and held to be as valid in law as if the same had been solemnized within his Majesty's dominions, with a due observance of all forms required by law.

Marriages solemnized abroad by ministers of the Church of England, &c. declared as valid as if solemnized in his Majesty's dominions.

II. Provided always, and be it further enacted, that nothing in this Act contained shall confirm or impair or anywise affect, or be construed to confirm or to impair or anywise to affect, the validity in law of any marriages solemnized beyond the seas, save and except such as have been or shall be solemnized in the places, form, and manner herein specified and recited.

Not to affect the validity of marriages solemnized beyond seas.

---

## 5 GEORGII IV. Cap. CVIII.

AN ACT *for transferring to the East-India Company certain Possessions newly acquired in the East-Indies, and for authorizing the Removal of Convicts from Sumatra.* [24*th June* 1824.]

Whereas by an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter;" it was enacted, that the territorial acquisitions mentioned in an Act passed in the thirty-third year of the reign of his said late Majesty, intituled, "An Act for continuing in the East-India Company, for a further Term, the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for

53 G. 3, c. 155.

33 G. 3, c. 52.

the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay;" together with such of the territorial acquisitions obtained since the passing of the said Act upon the continent of Asia, or in any islands situate to the north of the Equator, as were then in the possession of and under the Government of the United Company of Merchants of England trading to the East-Indies, with the revenues thereof respectively, should remain and continue in the possession and under the government of the said United Company, subject to such powers and authorities for the superintendance, direction, and control over all acts, operations, and concerns which relate to the civil or military government or revenues of the said territories, and to such further and other powers, authorities, rules, regulations, and restrictions as had been made or provided by any Act or Acts of Parliament in that behalf, or were made and provided by the said Act of the fifty-third year of the reign of his said late Majesty, for a further term, to be computed from the tenth day of April one thousand eight hundred and fourteen, until the same should be determined by virtue of a proviso contained in the said Act: and whereas the island of Singapore in the East-Indies has, since the passing of the said Act, been occupied by the said United Company: and whereas by a treaty concluded between his Majesty and the King of the Netherlands, on the seventeenth day of March one thousand eight hundred and twenty-four, the King of the Netherlands has agreed, that all his establishments on the continent of India, and also the town and fort of Malacca, and its dependencies, shall be ceded to his Majesty; and it is by the said treaty further stipulated, that the factory of Bencoolen, and all the English possessions in Sumatra, shall be ceded to his Majesty the King of the Netherlands: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said island of Singapore, and also all the colonies, possessions, and establishments ceded to his Majesty by the said treaty, shall be transferred to the United Company of Merchants of England trading to the East-Indies, and holden by the said Company in such and the same manner, to all intents, effects, constructions, and purposes whatsoever, and subject to the same authorities, restrictions, and provisions, as the factory of Bencoolen, and the possessions in the island of Sumatra, were vested in and holden by the said Company immediately before the conclusion of the said treaty.

The island of Singapore ceded to his Majesty, and transferred to the East-India Company.

II. And whereas sundry persons are or may be suffering the punishment of transportation in, or may be under sentence of transportation to the island of Sumatra, by the authority of Courts exercising jurisdiction within the several British presidencies or governments in the East-Indies; be it therefore enacted by the authority aforesaid, that it shall be lawful for the government under whose authority any such person shall have been transported to the island of Sumatra, to order and direct, either absolutely, conditionally, or provisionally, that such person, if within the said island, shall be removed therefrom, and transported for the remainder of his or her sentence to any other place to which he or she might originally have been transported; and that it shall be lawful to and for any such Government, as aforesaid, to order and direct that any person, under sentence of transportation to the said island of Sumatra, and not actually transported there, shall be transported to any other place to which he or she might originally have been transported; and the several governments of the said British presidencies and settlements in the East-Indies are hereby severally required to take order for such removal or change of place of transportation, in the same manner as they are

Power given to remove persons transported to the island of Sumatra, or to change the place of transportation of such persons as may be ordered to be transported to that island.

now required by law to take order for the due performance of any sentence of transportation: provided also, that no such order for removal, which shall be inconsistent with any indentures or contract of service which any person transported may be subject to, shall be carried into execution without the consent of the party or parties entitled to the benefit of such indentures or contract.

Order of such removal not to affect contracts.

---

## 6 GEORGII IV. Cap. XVI.

### AN ACT *to amend the Laws relating to Bankrupts.*

[2*d May* 1825.]

XLVI. And be it enacted, that at the three several meetings so appointed by the Commissioners as aforesaid, and at every other meeting by them appointed for proof of debts (whereof and of the purport whereof ten days notice shall have been given in the *London Gazette*), every creditor of the bankrupt may prove his debt by his own oath; and all bodies politic and public companies incorporated or authorized to sue or bring actions, either by Charter or Act of Parliament, may prove by an agent, provided such agent shall in his deposition swear that he is such agent as aforesaid, and that he is authorized to make such proof; and if any creditor shall live remote from the place of the meeting of the Commissioners he may prove by affidavit, sworn before a Master in Chancery, ordinary or extraordinary, or if such creditor shall live out of England, by affidavit sworn before a magistrate where such creditor shall be residing, and attested by a notary public, British minister or Consul; and no creditor shall pay any contribution on account of any such debt; provided that it shall be lawful for the said Commissioners to examine upon oath, either by word of mouth or by interrogatories in writing, every person claiming to prove a debt under the said commission, or to require such further proof, and to examine such other persons in relation thereto, as they shall think fit.

Debts how to be proved.

By corporations, &c.

By creditor remote or abroad.

Creditor may be examined upon oath.

LXXIX. And be it enacted, that if any bankrupt shall as trustee be seised, possessed of or entitled to, either alone or jointly, any real or personal estate, or any interest secured upon or arising out of the same, or shall have standing in his name as trustee, either alone or jointly, any government stock, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the petition of the person or persons entitled in possession to the receipt of the rents, issues, and profits, dividends, interest, or produce thereof, on due notice given to all other persons (if any) interested therein, to order the assignees, and all persons whose act or consent thereto is necessary, to convey, assign, or transfer the said estate, interest, stock, funds, or annuities to such person or persons as the Lord Chancellor shall think fit, upon the same trusts as the said estate, interest, stock, funds, or annuities were subject to before the bankruptcy, or such of them as shall be then subsisting and capable of taking effect; and also to receive and pay over the rents, issues, and profits, dividends, interest, or produce thereof, as the Lord Chancellor shall direct.

Where trustee becomes bankrupt the Chancellor may order conveyance or assignment to other trustees.

LXXX. And be it enacted, that if any such bankrupt shall have any government stock, or annuities, or any of the stock of any public company, either in England, Scotland, or funds,

Where bankrupt beneficially entitled to stock.

Ireland, standing in his name in his own right, it shall be lawful for the Commissioners, by writing under their hands, to order all persons whose act or consent is thereto necessary, to transfer the same into the name of the assignees, and to pay all dividends upon the same to such assignees; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

Bodies politic, &c. deemed to have notice, if persons acting on their behalf had notice.

LXXXV. And be it enacted, that if any accredited agent of any body corporate or public company shall have had notice of any act of bankruptcy, such body corporate or company shall be hereby deemed to have had such notice.

---

## 6 GEORGII IV. Cap. LXI.

AN ACT *to amend Two Acts; of the Fifty-eighth year of his late Majesty, for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of his present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company.*

[22*d June* 1825.]

58 G. 3, c. 73.

4 G. 4, c. 81.

Whereas an Act was passed in the fifty-eighth year of the reign of his late Majesty King George the Third, intituled, "An Act for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers:" and whereas by an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage," and by certain articles of war made in pursuance thereof, provision is made for the care and application of the effects and credits of deceased officers and soldiers in the said Company's service: and whereas the transmission to regimental agents or other persons of the effects or proceeds of effects of officers and soldiers dying in his Majesty's service, or in the service of the said Company, has been found highly beneficial in securing an early distribution of such effects among the relations of such officers and soldiers at small expence, and many sums are thereby saved to the relations of soldiers, which would otherwise be, from their small amount, wholly lost; and it is therefore expedient to render the provisions of the said recited Acts, relating to such matters, more effectual: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for all officers and persons who may be employed or required by or under the authority of any articles of war in force for the time being, either for the officers or soldiers in the service of his Majesty, or for the European officers or soldiers in the service of the said Company, to take care of or collect, or superintend and direct the collection of the effects of officers or soldiers dying in service out of the United Kingdom, to ask, demand, and

Officers and others authorized under the Articles of War to take care of the effects of officers and soldiers, empowered to collect and receive the same, without taking out letters of administration, &c.

receive any such effects, and to commence, prosecute, and carry on any actions or suits for the recovery thereof, without taking out any letters of administration, either with any will annexed or otherwise, in like manner in every respect as if such officers or persons had been appointed executors, or had taken out letters of administration of such effects; and no registrar of any Court in the East-Indies, or elsewhere in any colonies or possessions of his Majesty abroad, shall in any manner interpose in relation to any such effects, unless required or authorized so to do by any such officers or persons under the provisions of this Act, any Act or Acts of Parliament, law, statute, or usage to the contrary notwithstanding.

Effects remitted to agents, &c. not to be deemed assets within the province in which they reside, so as to render administration necessary, &c.

II. And be it further enacted, that such effects or proceeds of effects, when remitted to any regimental agent or other person, under any order or regulation of the Secretary at War in that behalf, or of the military secretary to the government of any of the said Company's presidencies respectively, shall not, by reason of coming into the hands of such agent or person, be deemed or taken to be assets or effects within the province in which such agent or person shall reside, so as to render it necessary that administration should be taken out in respect thereof in such province, unless administration of any other effects of the officer or soldier to whom the proceeds so remitted shall have belonged shall have been or shall be taken out in such province; and it shall be lawful for the Secretary at War, in all cases relating to the effects of any officer or soldier in his Majesty's service, and for the military secretary to the government of the presidency to which the deceased officer or soldier shall have belonged, in all cases relating to the effects of any European officer or soldier in the service of the said Company, to order that any such effects or proceeds of any such effects shall be remitted to any other place where the same can be more conveniently paid over to the person or persons entitled thereto; and the obedience to any such orders by any agent or person to whose hands any such effects shall come, shall be a sufficient discharge to such agent or person; and no such agent or person shall be liable to any action or suit by reason of any such effects or proceeds of effects having been in his hands, and thereafter transmitted under the order of the Secretary at War or military secretary respectively in that behalf.

Place of remittance may be changed to suit the persons entitled to the effects.

Surplus only, after payment of funeral expences and debts, &c. to be deemed the personal estate of the deceased.

III. And be it further enacted, that it shall be lawful for the Secretary at War, in the case of any officer or soldier in his Majesty's service, and for the military secretary to the government of the presidency to which the deceased officer or soldier shall have belonged, in the case of any European officer or soldier in the service of the said Company, to order or direct the payment of any charges or expenses attending or relating to the illness or funeral of any such officer or soldier, out of any such effects or proceeds of effects, or out of any arrears of pay or half-pay, and that such charges and expenses, together with all regimental debts and military payments which may be allowed under the provisions of any Act or Acts of Parliament, or Articles of War made in pursuance thereof, shall be made out of such effects or proceeds of effects, or arrears of pay or half-pay, and the surplus only, after such payment, shall be deemed the personal estate of the deceased.

## 6 GEORGII IV. Cap. LXXXV.

AN ACT *for further regulating the Payment of the Salaries and Pensions to the Judges of his Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the Transportation of Offenders from the Island of Saint Helena; and for more effectually providing for the Administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.*

[*5th July* 1825.]

13 G. 3, c. 63.

Whereas by an Act made and passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it was enacted, that it should be lawful for his Majesty, by Charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Fort William in Bengal, to consist of a chief justice and three other judges, to be named from time to time by his Majesty, his heirs and successors; and that the Court of Directors of the United Company of Merchants of England trading to the East-Indies should direct and cause to be paid certain established salaries to the Chief Justice and each of the Judges of the said Supreme Court of Judicature at Fort William in Bengal; that is to say, to the Chief Justice eight thousand pounds by the year, and to each of the Judges of the said Supreme Court, six thousand pounds by the year, in manner therein mentioned: and whereas his said late Majesty King George the Third, by his letters patent under the great seal of Great Britain, bearing date at Westminster the twenty-sixth day of March, in the fourteenth year of his reign, did erect and establish such Supreme Court of Judicature at Fort William in Bengal accordingly, and did declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said in part recited Act provided for that purpose; and

37 G. 3, c. 142.

whereas by virtue of an Act made in the thirty-seventh year of the reign of his said late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," the number of puisne judges of the said Supreme Court of Judicature at Fort William in Bengal was reduced to two. and whereas

39 & 40 G. 3, c. 79.

by an Act made in the thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," it is enacted, that it should and might be lawful for his Majesty, his heirs and successors, by Charter or letters patent under the great seal of Great Britain, to erect

and establish a Supreme Court of Judicature at Madras in the East-Indies, to consist of such and the like number of persons, to be named from time to time by his Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice, and each of the Judges of such Supreme Court of Judicature at Madras, as should be by the said new Charter established; (that is to say), to the Chief Justice six thousand pounds by the year; and to each of the Judges of the said Supreme Court of Judicature at Madras five thousand pounds by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Madras, at an exchange of eight shillings for the pagoda of that settlement: and whereas his said late Majesty King George the Third, by his letters patent, under the great seal of Great Britain, bearing date at Westminster the twenty-sixth day of December in the forty-first year of his reign, did erect and establish such Supreme Court of Judicature at Madras accordingly, and did grant, ordain, appoint, and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose; and whereas by an Act passed in the thirty-seventh year of the reign of his late Majesty King George the Third, intituled, "An Act for the better Administration of Justice at Calcutta, Madras, and Bombay, and for preventing British Subjects from being concerned in Loans to the Native Princes in India," it is amongst other things enacted, that it should be lawful for his said Majesty, by Charter or letters patent under the great seal of Great Britain, to erect and establish a Court of Judicature at Bombay, to consist of the mayor and three of the aldermen resident at the said settlement of Bombay, together with one other person to be named from time to time by his said Majesty, his heirs and successors, to be the president of the said Court, and to be styled "the Recorder of Bombay;" and that during such time as the said settlement of Bombay should remain in the possession of the said United Company, the Court of Directors of the said United Company should direct and cause to be paid, to the Recorder of the said Court of Judicature at Bombay, the yearly sum of five thousand pounds, such salary to be paid out of the revenues of the said settlement of Bombay, at an exchange of two shillings and sixpence for the Bombay rupee, and to commence and take place from such time as therein is mentioned: and whereas his said Majesty King George the Third, by his letters patent under the great seal of Great Britain, bearing date at Westminster the twentieth day of February in the thirty-eight year of his reign, did erect and establish such Court of the Recorder of Bombay accordingly, and did grant and declare, that the Recorder of the said Court should, so long as he should hold the said office, be entitled to have and receive the salary in the said last-mentioned Act provided for that purpose: and whereas by an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act for defraying the Charge of Retiring Pay, Pensions, and other Expenses of that nature, of his Majesty's Forces serving in India; for establishing the Pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay," it is enacted, that it should and might be lawful for his said Majesty, his heirs and successors, by Charter or letters patent under the great seal of Great Britain, to erect and establish a Supreme Court of Judicature at Bombay

37 G. 3, c. 142.

4 G. 4, c. 71.

aforesaid, to consist of such and the like number of persons, to be named from time to time by his said Majesty, his heirs and successors, as the said Supreme Court of Judicature at Fort William in Bengal; and that the Court of Directors of the said United Company should direct and cause to be paid certain and established salaries to the Chief Justice and each of the Judges of such Supreme Court of Judicature at Bombay as should be by the said new Charter established; that is to say, to the Chief Justice fifty-two thousand two hundred Bombay rupees by the year, and to each of the Puisne Judges of the said Supreme Court of Judicature at Bombay, forty-three thousand five hundred Bombay rupees by the year; and that such salaries should be paid and payable to each and every of them respectively out of the territorial revenues of the said settlement of Bombay: and whereas his said Majesty King George the Fourth, by his letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the eighth day of December in the fourth year of his reign, did erect and establish such Supreme Court of Judicature at Bombay accordingly, and did grant and declare that the Chief Justice and Puisne Judges of the said Court should, so long as they should hold their offices respectively, be entitled to have and receive respectively the salaries in the said last-mentioned Act provided for that purpose: and whereas his late Majesty King George the Third did, by his letters patent bearing date at Westminster the twenty-fifth day of March in the forty-seventh year of his reign, for himself, his heirs and successors, give and grant unto the said United Company and their successors, and did direct, ordain, and appoint, that there should be within the factory of Prince of Wales' Island, and the places then or any time to be subordinate or annexed thereto, a Court of Record, to be called "The Court of Judicature of Prince of Wales' Island," and did thereby erect, create, and constitute the said Court of Judicature of Prince of Wales' Island to be a Court of Record; and his said late Majesty did, by his said letters patent, further will, ordain, and appoint that the said Court of Judicature should consist of and be holden before the Governor or President and the three counsellors of the said factory for the time being, as four of the Judges of the said Court, and before one other Judge, to be called "The Recorder of the Prince of Wales' Island," and which Recorder of Prince of Wales' Island it is ordained should be a barrister in England or Ireland, of not less than five years standing, to be named and appointed from time to time by his said Majesty, his heirs and successors, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland; and his said Majesty did thereby further direct, that the said Recorder of Prince of Wales' Island should hold his office during the pleasure of his said Majesty, his heirs and successors, and did further direct, ordain, and appoint, that it should and might be lawful to and for the said Recorder of Prince of Wales' Island to receive from the said United Company a salary equal to the yearly sum of three thousand pounds money current in that part of the United Kingdom called England, to be calculated at the exchange of five shillings of the said lawful money for every dollar current within the said factory: and whereas by an Act made and passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges, for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," it is amongst other things enacted, that in case it should please his Majesty, by his royal letters patent

53 G. 3. cap. 155

under the great seal of the said United Kingdom, to erect, found, and constitute one bishoprick for the whole of the said British territories in the East-Indies and parts aforesaid, and from time to time to nominate and appoint a bishop, the Court of Directors of the said Company, during such time as the said territorial acquisitions should remain in the possession of the said Company, should and they were thereby required to direct and cause to be paid a certain established salary from and out of the revenues of the said Presidency of Fort William in Bengal, to the said bishop, of five thousand pounds by the year, at an exchange of two shillings for the Bengal current rupee: and whereas his said late Majesty King George the Third did, by his letters patent bearing date at Westminster the second day of May one thousand eight hundred and fourteen, in the fifty-fourth year of his reign, erect, found, and constitute such bishoprick accordingly: and whereas it is deemed expedient to make further and different provisions for the payment of the salaries of the judges of the said Supreme Courts of Judicature at Madras and Bombay respectively, and to make provision for the payment to any of the puisne judges of the said Supreme Courts of Judicature at Fort William in Bengal, and at Madras and Bombay respectively, who, during the vacancy of the office of chief justice in any of the said Courts, shall execute and discharge the duties of chief justice, of the salary of the office of chief justice, in lieu of that of puisne judge, in respect of the time during which such puisne judge shall so execute and discharge the office of chief justice; and it is also expedient to make further provision for all such chief justices, bishops, judges, and recorders respectively, so as that the acceptance of such offices respectively shall not be the occasion of actual loss to their representatives in the event of the death of any such chief justices, bishops, judges, or recorders respectively having taken place or hereafter taking place after their arrival in India; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to the chief justices and each of the puisne judges of the said Supreme Court of Judicature at Madras, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited Acts of the thirty-ninth and fortieth years of his late Majesty's reign, in like manner and subject to the same regulations and provisions as the said salaries have been heretofore or are now paid and payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the Chief Justice of the said Supreme Court of Judicature at Madras, the sum of fifty-eight thousand Madras rupees by the year, to be computed from the first day of January one thousand eight hundred and eighteen, to the time of the passing of this Act, and from thenceforth a salary after the rate of sixty thousand Madras rupees by the year; and to each of the puisne judges of the said last-mentioned Court a salary after the rate of forty-eight thousand Madras rupees by the year, [to be computed from the first day of January one thousand eight hundred and eighteen to the time of the passing of this Act, and from thenceforth a salary after the rate of fifty thousand Madras rupees by the year;] and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement of Madras.

Salaries to Judges at Madras.

II. And be it further enacted, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to the Chief Justice and each of the puisne judges of the said Supreme Court of Judicature at Bombay, in lieu and instead of the salaries paid or payable to them respectively under or by virtue of the said recited Act of the fourth year of his present Majesty, in like manner and subject to the

Salaries to Judges at Bombay.

same regulations and provisions as the said salaries have been heretofore or are now paid or payable, and not otherwise, the salaries hereinafter mentioned; that is to say, to the Chief Justice of the said Supreme Court of Judicature at Bombay a salary after the rate of fifty-eight thousand Bombay rupees by the year, to be computed from the eighth day of May one thousand eight hundred and twenty-four, to the time of the passing of this Act, and from thenceforth a salary after the rate of sixty thousand Bombay rupees by the year; and to each of the puisne judges of the said last-mentioned Court the sum of forty-eight thousand Bombay rupees by the year, to be computed from the said eighth day of May one thousand eight hundred and twenty-four, to the time of the passing of this Act, and from thenceforth a salary after the rate of fifty thousand Bombay rupees by the year; and that such salaries shall be paid and payable to each and every of them respectively, out of the territorial revenues of the said settlement of Bombay.

Salary to Recorder of Bombay.

III. And be it further enacted, that the Court of Directors of the said United Company shall and they are hereby required to direct and cause to be paid to each and every the person and persons who, during the period between the said first day of January one thousand eight hundred and eighteen and the said eighth day of May one thousand eight hundred and twenty-four, acted as Recorder of Bombay as aforesaid, or to his or their executors or administrators, such further sum and sums of money as shall, together with the salaries which have been paid to the recorder for the time being, make up a rate of salary to each and every of such person and persons so having acted as recorder as aforesaid, of forty-eight thousand Bombay rupees by the year; and that such further sum and sums shall be paid and payable out of the territorial revenues of the said settlement of Bombay.

Judge executing the office of Chief Justice to be entitled to his salary.

IV. And be it further enacted, that when and as often as it shall happen that in consequence of the vacancy of the office of chief justice in any of the said Supreme Courts of Judicature at Fort William in Bengal, or at Madras or Bombay respectively, one of the puisne judges of the said Courts respectively shall preside for and exercise the office of such chief justice, such puisne judge so acting as chief justice during a vacancy, and until the arrival of the person appointed to succeed to the office of chief justice, shall be entitled to receive, in lieu of his proportion of salary as a puisne judge of such Court, such a proportion of salary (and no more) as would have become due to such chief justice during the period while the vacancy shall be supplied by such puisne judge as aforesaid, and that the payment of such rate of salary to a puisne judge so acting or having acted as such chief justice in any of the said Supreme Courts respectively, shall commence and take effect from the twenty-second day of January one thousand eight hundred and twenty-two.

Provision in case any Judge or Bishop, &c. shall die either during his voyage, or within six months after his arrival, &c.

V. And be it further enacted, that in all cases from and since the said twenty-second day of January one thousand eight hundred and twenty-two, in which it has already happened, or when and as often as it shall hereafter happen, that any chief justice or puisne judge of any of the said Supreme Courts of Judicature at Fort William in Bengal, Madras, or Bombay, or the Recorder of Prince of Wales' Island, or any bishop of Calcutta, shall have departed, or shall hereafter depart this life, either during his voyage to India or within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such chief justice or puisne judge, recorder, or bishop, the Court of Directors of the said United Company shall and they are hereby required to pay, or direct and cause to be paid, out of the territorial revenues from which the salary of such chief justice or puisne judge, recorder, or bishop so dying shall be

payable, to the legal personal representatives of such chief justice or puisne judge, recorder, or bishop so dying as aforesaid, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such chief justice or puisne judge, recorder, or bishop, in respect of his salary, make up the full amount of one year's salary of the office to which he shall have been appointed; and that from and since the first day of January one thousand eight hundred and twenty-three, when and as often as it shall have happened or shall hereafter happen that any such chief justice or puisne judge, recorder, or bishop hath departed or shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him the office of chief justice, puisne judge, recorder, or bishop, then and in all and every of such cases the said Court of Directors shall and they are hereby required to pay or direct and cause to be paid, out of the territorial revenues from which the salary of such chief justice, puisne judge, recorder, or bishop so dying shall be payable, to the legal personal representatives of such chief justice or puisne judge, recorder, or bishop respectively so dying as aforesaid, over and above what may have been due to such chief justice or puisne judge, recorder, or bishop respectively at the time of his death, a sum equal to the amount of six calendar months' salary of the office of such chief justice or puisne judge, recorder, or bishop respectively.

4 G. 4, c. 71, s. 15.

VI. And whereas under and by virtue of the said Act of the fourth year of the reign of his present Majesty, his Majesty is empowered to direct and authorize certain allowances to be made out of the revenues of the British territories in India to the chief justices and puisne judges of the said Supreme Courts respectively, and to the Recorder of Prince of Wales' Island, on their respectively resigning their respective offices, after a residence in India for ten years; and whereas it is expedient to shorten the period during which such chief justices, judges, and recorders respectively are required to hold their offices in India before an allowance can be granted to them, and to make other provisions respecting such allowances; be it therefore enacted, that so much of the said Act of the fourth year of the reign of his present Majesty as relates to the said allowances, and the length of residence in India necessary to entitle the parties thereto, shall be and the same is hereby repealed.

Repeal of provisions in 4 G. 4, c. 71, s. 15, and 16, as to residence.

Pensions to Chief Justices and Judges on resignation.

VII. And be it further enacted, that if any of the chief justices or puisne judges of the said Supreme Courts of Judicature at Fort William, Madras, or Bombay respectively, or the recorder of the Court of Judicature of Prince of Wales' Island, shall resign his office in consequence of age, infirmity, or other cause, to be approved by his Majesty, his heirs or successors, it shall and may be lawful for his Majesty, his heirs or successors, by warrants under the sign manual, to direct and authorize an allowance to be made out of the revenues of the British territories in India, to such chief justice, puisne judges, or recorder so resigning subject to the limitations and restrictions herein-after provided; that is to say, provided always, that it shall not be lawful for his Majesty to direct any such allowance to be made to any person who shall not have resided in India for five years, either as chief justice or as a puisne judge (or partly as one and partly as the other) of some or one of the said Supreme Courts.

Five years' residence necessary.

Limitation of allowance to Chief Justice of Fort William.

VIII. Provided also, and be it enacted, that it shall not be lawful to direct any larger allowance to be made to any chief justice of the said Supreme Court of Judicature at Fort William, than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the

other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand three hundred pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of two thousand pounds sterling per annum.

Limitation of allowance to Chief Justices of Madras and Bombay.

IX. Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the chief justices of the said Supreme Courts of Judicature at Madras or Bombay, than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such chief justice or puisne judge, or partly as one and partly as the other, for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand six hundred pounds sterling per annum.

Limitation of allowance to Puisne Judges of Fort William.

X. Provided also, and be it further enacted, that it shall not be lawful to direct any larger allowance to be made to either of the puisne judges of the said Supreme Court of Judicature at Fort William, than the sum of seven hundred and fifty pounds sterling per annum, unless he shall have resided in India as such puisne judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum, unless he shall have resided in India as such puisne judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand five hundred pounds sterling per annum.

Limitation of allowance to Puisne Judges of Madras and Bombay.

XI. And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to any one of the puisne judges of either of the said Supreme Courts of Judicature at Madras or Bombay respectively, than the sum of six hundred pounds sterling per annum, unless he shall have resided in India as such puisne judge for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of eight hundred pounds sterling per annum, unless he shall have resided in India as such puisne judge for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand two hundred pounds sterling per annum.

Chief Justice not to have more than Puisne Judge, unless he has been Chief Justice for five years.

XII. Provided also, and be it further enacted, that it shall not be lawful for his Majesty to direct any larger allowance to be made to any chief justice of any of the said Supreme Courts so resigning, than the amount by this Act limited for the allowance to be made to the puisne judges of the Court to which such chief justice shall belong, unless he shall have held the office of a chief justice of one of the said Supreme Courts during five years of his residence in India.

Limitation of allowance to Recorder of Prince of Wales' Island.

XIII. And be it further enacted, that it shall not be lawful to direct any larger allowance to be made to the Recorder of the said Court of Judicature of Prince of Wales' Island, than the sum of five hundred pounds sterling per annum, unless he shall have resided in India as

such recorder for seven years; nor if he shall have so resided for seven years, shall it be lawful to direct any larger allowance to be made to him than the sum of six hundred and fifty pounds sterling per annum, unless he shall have resided in India as such recorder for ten years; nor if he shall have so resided for ten years, shall it be lawful to direct any larger allowance to be made to him than the sum of one thousand pounds sterling per annum.

Time of Recorder appointed Judge to be reckoned at a certain rate.

XIV. Provided also, and be it further enacted, that if any person having for any time resided in the East-Indies as Recorder of the said Court of Judicature of Prince of Wales' Island shall have been or shall be appointed to the office of Chief Justice or Puisne Judge of either of the said Supreme Courts of Fort William, Madras, or Bombay, the period of residence of such person in the East-Indies as such Recorder of the said Court of Judicature of Prince of Wales' Island shall be accounted and taken as and for a residence in India, as a puisne judge of such Courts respectively, in the proportion of three years' residence as such recorder to two years' residence as such puisne judge; and that if such person shall have resided in the East-Indies partly as such recorder, and partly as such chief justice or Puisne Judge, it shall and may be lawful for his Majesty, his heirs and successors, in manner herein-before mentioned, to direct such allowance to be made to such person as might lawfully be directed in case such person had resided the whole of such time as such recorder, and had resigned the office of such recorder, although such person may not have resided in India for such length of time as to entitle him, under the provisions herein contained, to the allowance of a chief justice or puisne judge.

53 G. 3, c. 155.

4 G. 4, c. 71, s. 2 & 3.

Pension to Bishop on resignation.

XV. And whereas under and by virtue of an Act made and passed in the fifty-third year of the reign of his late Majesty King George the Third, and of another Act made and passed in the fourth year of the reign of his present Majesty, provision is made for granting a pension to the Bishop of Calcutta, under the limitations therein contained, and it is expedient to make further provision in respect thereof; be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, in manner in the said Act of the fifty-third year of the reign of his late Majesty mentioned, to grant to any such Bishop who shall have exercised within the limits of the Charter of the said United Company the office of Bishop of Calcutta for five years a pension not exceeding one half of the sum which his Majesty, by the said Act of the fifty-third year of the reign of his late Majesty, is empowered to grant to any such Bishop; and also to grant to any such Bishop who shall have exercised within the limits aforesaid the said office of Bishop of Calcutta for seven years, a pension not exceeding two-thirds of the sum which his Majesty, by the said Act of the fifty-third year of his late Majesty's reign, is empowered to grant to any such Bishop.(1)

(1) [The amount named in 53 Geo. 3, cap. 155, is £1,500 per annum. The reduced pensions sanctioned by this Act are consequently £750 and £1,000 per annum. These enactments apply to the Bishop of Calcutta only. The retiring pensions of the Bishops of Madras and Bombay are regulated by 3 & 4 Wm. 4, cap. 85, sec. 96.]

Resignation under ten years' service for other cause than illness not to entitle to pension.

XVI. Provided also, and be it further enacted, that it shall not be lawful for his Majesty, his heirs or successors, to direct any such allowance to be made to any such chief justice, puisne judge, recorder, or bishop respectively, who before he shall have held and exercised such office, or some or one of such offices, for the space of ten years in the whole, shall resign

his said office for any other cause than in consequence of illness or infirmity, to be proved to the satisfaction of his Majesty, his heirs or successors.

Sections 17 and 18 contain penal enactments relating to St. Helena, which is not now under the government of the Company.

Administration of justice in Singapore and Malacca. 42 G. 3, c. 29.

XIX. And whereas under and by virtue and according to the effect of an Act passed in the forty-second year of the reign of his late Majesty King George the Third, intituled, "An Act to authorize the East-India Company to make their Settlement at Fort Marlborough in the East-Indies a Factory subordinate to the Presidency of Fort William in Bengal, and to transfer the Servants, who on the Reduction of that Establishment shall be supernumerary, to the Presidency of Fort Saint George;" and an Act passed in the fifth year of the reign of his present Majesty King George the Fourth, intituled, "An Act for transferring to the East-India Company certain Possessions newly acquired in the East-Indies, and the Removal of Convicts from Sumatra, the Island of Singapore in the East-Indies, and the Town and Fort of Malacca and its Dependencies," and all the colonies, possessions, and establishments ceded by his Majesty the King of the Netherlands to his said present Majesty King George the Fourth, by a treaty concluded between their said Majesties on the seventeenth day of March one thousand eight hundred and twenty-four, have become and now are factories subordinate to the Presidency of Fort William in Bengal, and thereby, by virtue of an Act passed in the thirty-ninth and fortieth years of the reign of his said late Majesty King George the Third, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," are subject to the jurisdiction of the Supreme Court of Judicature of Fort William aforesaid; and it may be expedient that some other provision should be made for the administration of justice within the said island and other places aforesaid; be it therefore enacted, that it shall and may be lawful to and for his Majesty, his heirs and successors, by letters patent under the great seal of Great Britain, or in any other lawful manner, to make such provision for the administration of justice in civil, criminal, ecclesiastical, and Admiralty matters arisen and to arise within the said island of Singapore, and the said town and fort of Malacca and its dependencies, by his and their royal prerogative he or they might have done if the said last-mentioned Act had never been made or passed; and in case any such provision shall be made by his Majesty, his heirs and successors, then the said island, and the said town and fort and its dependencies, from the time or several times when such provision shall take effect, or from any other time or times to be appointed by his Majesty, his heirs or successors, and all the inhabitants of the said island, and the said town, fort, and its dependencies, and other persons being thereon, shall cease to be subject to and shall be wholly exempt from the jurisdiction of the said Supreme Court; the said last-mentioned Act, or any other law or statute, to the contrary thereof in anywise notwithstanding.

39 & 40 G. 3, c. 79.

Colonies ceded to his Majesty to be under jurisdiction of Fort St. George.

XX. And be it further enacted, that from and after the first day of January next the colonies, possessions, and establishments so ceded to his Majesty, and which are situate on the coast of Coromandel, or in the northern Circars in the East-Indies, and all the inhabitants of the said colonies, possessions, and establishments, and all other persons being therein, shall cease to be subject to, and shall be wholly exempt from the jurisdiction of the said Supreme Court of Judicature in Bengal; and the said colonies, possessions, and establish-

ments, and all the inhabitants thereof, and all other persons being therein, shall be subject and amenable to the jurisdiction and authority of the Supreme Court of Judicature at Fort Saint George in the East-Indies, in like manner as any other place being or deemed to be a factory subordinate to the government of Fort Saint George, and the inhabitants thereof, whether Europeans or natives, as the case may be, is or are or ought to be liable and amenable thereto; the said Act of the thirty-ninth and fortieth years of his late Majesty's reign, or any other law or statute, to the contrary thereof in anyways notwithstanding.

Singapore and Malacca annexed to Prince of Wales' Island.

XXI. And be it further enacted, that it shall and may be lawful for the Court of Directors for the time being of the said United Company to declare and appoint that the said island of Singapore and the said town and port of Malacca and its dependencies, and the colonies, possessions, and establishments so ceded as aforesaid or any of them, shall cease to be factories or a factory subordinate to the said presidency of Fort William in Bengal, and that they shall be annexed to and be considered as and be part of the settlement of Prince of Wales' Island, or as factories or a factory subordinate to the said presidency of Fort Saint George, or to any presidency or government of the said United Company, or that they or any of them shall be independent settlements or an independent settlement, subject to such government as the said United Company, under and by virtue of the charters granted to them or otherwise, may lawfully appoint, and from time to time, as occasion may require, to revoke and alter such appointments or appointment, and to place the said island, town, fort, and its dependencies, and the said colonies, possessions, and establishments, under such presidency or government, or to be independent, as to them shall seem fit and expedient, subject nevertheless to the superintendence, direction, and control of the Commissioners for the affairs of India, in like manner as any acts or orders of the said Court of Directors are now by law subject; and the said island, town, fort, and its dependencies, colonies, possessions, and establishments, so ceded as aforesaid, and the revenues thereof and the civil servants connected therewith respectively, shall, from and after the time to be by the said Court of Directors limited and appointed, be to all intents and purposes annexed to the presidency or government to be appointed in manner aforesaid, or such island and places aforesaid, shall be an independent settlement or independent settlements, and the revenues and civil servants thereof shall be annexed thereto, according to the true intent and meaning of such appointment as aforesaid; any law or statute to the contrary thereof in anywise notwithstanding.

---

## 6 GEORGII IV. Cap. XC.

AN ACT *to amend an Act of the Fifty-seventh Year of his late Majesty, for enabling his Majesty to recompence the Services of Persons holding or who have held certain high and efficient Civil Offices.* [*5th July* 1825.]

Whereas by an Act passed in the fifty-seventh year of the reign of his late Majesty, intituled, "An Act to enable his Majesty to recompence the Services of Persons holding or who have held certain high and efficient Civil Offices," it was enacted, that it should be lawful for his Majesty, his heirs and successors, to grant pensions, under the limitations and regulations therein prescribed, to persons holding or having holden certain high and effective civil offices; 57 G. 4, c. 65.

which offices were in the said Act specified in four several classes: and whereas it is expedient that the offices herein-after mentioned should be included in the provisions of the said Act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the office of president of the Board of Commissioners for the affairs of India, and the office of president of the committee of council appointed for the consideration of matters relating to trade and foreign plantations, shall be deemed to be comprized in the first class of offices specified in the said recited Act; and that the office of vice-president of the committee of council appointed for the consideration of matters relating to trade and foreign plantations, shall be deemed to be comprized in the third class of offices specified in the said recited Act; and that the office of chief secretary to the Board of Commissioners for the affairs of India shall be deemed to be comprized in the fourth class of offices specified in the said recited Act; and that it shall be lawful for his Majesty, his heirs and successors, to grant to persons who shall have served the Crown in the offices hereinbefore enumerated respectively, such pensions respectively as might have been granted to them respectively under the said recited Act, if the several offices herein-before enumerated had been specifically named in the said recited Act, and had been thereby respectively placed in the classes hereby assigned to them; and that all the limitations, conditions, regulations, and provisions contained in the said recited Act, shall be construed so as to give full force and effect to the intents and purposes as well of this Act as of the said recited Act.(1)

President of Board of Control, President of Board of Trade, to be deemed in 1st class;

Vice-President of Board of Trade, in 3d class;

and Chief Secretary of Board of Control in 4th class;—of offices specified in civil Pensions' Act.

(1) [*Vide* 4 & 5 Wm. 4, cap. 24, sec. 1, 4, 5, 6, and 7.]

---

## 6 GEORGII IV. Cap. XCIV.

An Act *to alter and amend an Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents.*

[*5th July* 1825.]

Whereas an Act passed in the fourth year of the reign of his present Majesty, intituled, "An Act for the better Protection of the Property of Merchants and others, who may hereafter enter into Contracts or Agreements in relation to Goods, Wares, or Merchandize intrusted to Factors or Agents:" and whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as herein-after provided: be it therefore enacted by the king's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted, for the purpose of consignment or of sale, with any goods, wares, or merchandize and who shall have shipped such goods, wares, or merchandize in his, her, or their own name or names, and any person or persons in whose name or names any goods, wares, or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares, and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares, or merchandize shall be shipped, or in respect of any money or negotiable

4 G. 4, c. 83.

Factors or agents having goods or merchandize in their possession, shall be deemed to be the true owners, so as to give validity to contracts with persons dealing *bonâ fide* upon the faith of such property.

security or securities received by him, her, or them, to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares, and merchandize; provided such consignee or consignees shall not have notice by the bill of lading for the delivery of such goods, wares, or merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors of such goods, wares, and merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in anywise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares, or merchandize are so shipped as aforesaid, shall be taken, for the purposes of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shewn in evidence by any person disputing such fact.

Persons in possession of bills of lading, &c. to be the owner so far as to make valid contracts.

II. And be it further enacted, that from and after the first day of October one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, wharfinger's certificate, warrant or order for delivery of goods, shall be deemed and taken to be the true owner or owners of the goods, wares and merchandize described and mentioned in the said several documents herein-before stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies politic or corporate, for the sale or disposition of the said goods, wares, and merchandize, or any part thereof, or for the deposit or pledge thereof, or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies politic or corporate, upon the faith of such several documents or either of them; provided such person or persons, body or bodies politic or corporate, shall not have notice by such documents or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors of such goods, wares, or merchandize so sold or deposited or pledged as aforesaid; any law, usage, or custom to the contrary thereof in anywise notwithstanding.

No person to acquire a security upon goods in the hands of an agent for an antecedent debt, beyond the amount of the agent's interest in the goods.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies politic or corporate, shall, after the passing of this Act, accept and take any such goods, wares, or merchandize in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid, to such person or persons, body or bodies politic or corporate, before the time of such deposit or pledge, then and in that case, such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares, or merchandize in deposit or pledge, shall acquire no further or other right title, or interest in or upon or to the said goods, wares, or merchandize, or any such document as aforesaid, than was possessed, or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge, as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares, or merchandize

in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid; any rule of law, usage, or custom to the contrary notwithstanding.

Persons may contract with known agents in the ordinary course of business, or out of that course, if within the agent's authority.

IV. And be it further enacted, that from and after the first day of October one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to contract with any agent or agents intrusted with any goods, wares, or merchandize or to whom the same may be consigned, for the purchase of any such goods, wares, and merchandize, and to receive the same of and pay for the same to such agent or agents; and such contract and payment shall be binding upon and good against the owner of such goods, wares, and merchandize, notwithstanding such person or persons, body or bodies politic or corporate, shall have notice that the person or persons making and entering into such contract, or on whose behalf such contract is made or entered into, is an agent or agents; provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies politic or corporate, shall not, when such contract is entered into or payment made, have notice that such agent or agents is or are not authorized to sell the said goods, wares, and merchandize, or to receive the said purchase money.

Persons may accept and take goods, &c. in pledge from known agents; but in that case shall acquire no further interest than was possessed by such agent at the time of such pledge.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any such goods, wares, or merchandize, or any such document as aforesaid, in deposit or pledge from any such factor or factors, agent or agents, notwithstanding such person or persons, body or bodies politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a factor or factors, agent or agents; but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title, or interest, in or upon or to the said goods, wares, or merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said factor or factors, agent or agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such factor or factors, agent or agents, at the time of such deposit or pledge as aforesaid; any rule or law, usage or custom to the contrary notwithstanding.

Right of the true owner to follow his goods while in the hands of his agent or of his assignee, in case of bankruptcy, or to recover them from a third person, upon paying his advances secured upon them.

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true owner or owners, or proprietor or proprietors, of such goods, wares, or merchandize, from demanding and recovering the same from his, her, or their factor or factors, agent or agents, before the same shall have been so sold, deposited, or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her, or their bankruptcy; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from any person or persons, body or bodies politic or corporate, the price or sum agreed to be paid for the purchase of such goods, wares, or merchandize, subject to any right of set-off on the part of such person or persons, body or bodies politic or corporate, against such factor or factors, agent or agents; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from such person or persons, body or bodies politic or corporate, such goods, wares, or merchandize so deposited or pledged, upon repayment of the money, or on restoration of

the negotiable instrument or instruments so advanced or given on the security of such goods, wares, or merchandize as aforesaid, by such person or persons, body or bodies politic or corporate, to such factor or factors, agent or agents; and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such factor or factors, agent or agents, to such owner or owners, proprietor or proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such goods, wares, or merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: provided always, that in case of the bankruptcy of any such factor or agent, the owner or owners, proprietor or proprietors of the goods, wares, and merchandize so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the estate of such bankrupt.

In case of bankruptcy of factor, the owner of goods so pledged and redeemed shall be held to have discharged *pro tanto* the debt due from him to bankrupt.

VII. And whereas it is expedient to prevent the improper deposit or pledge of goods, wares, or merchandize, or the documents relating to such goods, wares, or merchandize, intrusted or consigned as aforesaid to factors or agents; be it therefore enacted, that if any such factor or agent, at any time from and after the said first day of October one thousand eight hundred and twenty-six, shall deposit or pledge any goods, wares, or merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such factor or agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the owner or owners of any such goods, wares, or merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanor, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanor, and as the Court before whom such offender may be tried and convicted shall adjudge.

Agents fraudulently pledging the goods of their principals deemed guilty of a misdemeanor;

may be transported not exceeding fourteen years, &c.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed to extend, to subject any person or persons to prosecution, for having deposited or pledged any goods, wares, or merchandize so intrusted or consigned to him, her, or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her, or their principal or principals: provided nevertheless, that the acceptance of bills of exchange by such person or persons drawn by or on account of such principal or principals, shall not be considered as constituting any part of such debt so due and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless such bills shall be paid when the same shall respectively become due.

Not to extend to cases in which the agent has not made the goods a security for any sum beyond the extent of his own lien.

Acceptances of bills by an agent not to create a lien so as to excuse the pledge, unless the bills are paid when due.

IX. Provided also, and be it enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend, or be construed to extend, to any partner or partners or other person or persons of or belonging to

Act not to extend to partners not being privy to the offence.

any partnership, society, or firm, except only such partner or partners, person or persons, as shall be accessory or privy to the commission of such offence; any thing herein contained to the contrary in anywise notwithstanding.

Act not to lessen any remedy at law or equity which the party aggrieved may be entitled to adopt.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at law or in equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act shall not be received in evidence in any action at law, or suit in equity against such offender: and further, that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing, on oath under or in consequence of any compulsory process of any Court of law or equity, in any action, suit, or proceeding, in or to which he shall have been a party, and which shall have been *bonâ fide* instituted by the party aggrieved by the act, matter, or thing which shall have been committed by such offender aforesaid.

---

## 6 GEORGII IV. Cap. CXXXIII.

AN ACT *to amend and explain an Act of the Fifty-fifth Year of his late Majesty, for better regulating the Practice of Apothecaries throughout England and Wales.* [6*th July* 1825.]

Surgeons, &c. in the navy, and surgeons and apothecaries, &c. in the army, may practise without examination.

IV. And whereas many persons who have heretofore held, and now do or who hereafter shall hold commissions in his Majesty's service as surgeons, either in his Majesty's navy, or as surgeons or apothecaries in his Majesty's army, cannot commence practice as apothecaries in any part of England or Wales, without being examined by the Court of Examiners appointed in pursuance of the aforesaid recited Act of the fifty-fifth year of the reign of his late Majesty King George the Third, or being liable to the penalties thereby imposed on persons who, not having been in practice as apothecaries on the first day of August one thousand eight hundred and fifteen, shall commence to act or practise as apothecaries without having been examined, and receive certificates of their qualification, pursuant to the said recited Act: and whereas it is expedient to provide a remedy in that behalf; be it therefore enacted, that every person who heretofore has held, or who now holds, or hereafter shall hold a commission or warrant as surgeon or assistant surgeon in his Majesty's navy, or as surgeon or assistant surgeon or apothecary in his Majesty's army, or as surgeon or assistant surgeon in the service of the Honourable the East-India Company, shall be entitled to practise as an apothecary in any part of England or Wales, without having undergone any such examination, or received any such certificate, as by the said recited Act of the fifty-fifth year of the reign of his late Majesty King George the Third is directed, and without being liable to any penalty or disability whatsoever imposed by the said recited Act, on persons who, not having been in practice as apothecaries on the said first day of August one thousand eight hundred and fifteen, without having been examined, and received certificates in the manner directed by the said recited Act, commenced practice as apothecaries in any part of England or Wales:

and no such person shall be obliged in order to recover in a Court of law any charges claimed by him as an apothecary, to prove that he was in practice as an apothecary on the said first day of August one thousand eight hundred and fifteen, otherwise than as holding a commission or warrant as surgeon or assistant surgeon in his Majesty's navy, or as surgeon or assistant surgeon or apothecary in his Majesty's army, or as surgeon or assistant surgeon in the service of the Honourable the East-India Company; anything in the said recited Act contained to the contrary thereof in anywise notwithstanding.

---

## 7 GEORGII IV. Cap. XXXVII.

### AN ACT *to regulate the Appointment of Juries in the East-Indies.*

[*5th May* 1826.]

Whereas by an Act passed in the thirteenth year of the reign of his late Majesty King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," it is among other things enacted, that all offences and misdemeanors which shall be laid, tried, and inquired of in the Supreme Court of Judicature at Fort William in Bengal, shall be tried by a jury of British subjects resident in the town of Calcutta, and not otherwise: and whereas it is expedient that the right and duty of serving on juries within the limits of the local jurisdiction of the several Supreme Courts at Calcutta, Madras, and Bombay, should be further extended: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all good and sufficient persons resident within the limits of the several towns of Calcutta, Madras, and Bombay, and not being the subjects of any foreign state, shall, according to such rules, and subject to such qualifications as shall be fixed in manner herein-after mentioned, be deemed capable of serving as jurors on grand or petit juries, and upon all other inquests, and shall be liable to be summoned accordingly; any thing in the said Act, or in any other Act, Charter, or usage, to the contrary notwithstanding. 13 G. 3, c. 63.

All persons resident in Calcutta, Madras, and Bombay, qualified as after *mentioned*, to be deemed capable of serving on juries.

II. And be it further enacted, that the respective Courts of Judicature at Calcutta, Madras, and Bombay, shall have power from time to time to make and establish such rules with respect to the qualification, appointment, form of summoning, challenging, and service of such jurors, and such other regulations relating thereto, as they may respectively deem expedient and proper: provided always, that copies of all such rules and regulations as shall be so made and established by such Courts of Judicature, shall be certified under the hands and seals of the Judges of such Courts to the President of the Board of Commissioners for the affairs of India, to be laid before his Majesty for his royal approbation, correction, or refusal; and such rules and regulations shall be observed until the same shall be repealed or varied, and in the last case with such variation as shall be made therein.

Courts may make rules with respect to qualification, &c.

which shall be laid before his Majesty.

The third section, which provided that Grand Juries in all cases, and all Juries for the trial of Christians, should consist wholly of persons professing that religion, was repealed by 2 & 3 Wm. 4, cap. 117.

## 7 GEORGII IV. Cap. LII.

AN ACT *for defraying the Expense of any additional Naval Force to be employed in the East-Indies.* [26*th May* 1826.]

53 G. 3, c. 155.

Whereas by an Act passed in the fifty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," provision is made for defraying all the charges and expenses of raising and maintaining the forces, as well European as native, military, artillery, and marine, on the establishments in the East-Indies and parts within the limits aforesaid, and of maintaining the forts and garrisons there, and providing warlike and naval stores: and whereas it is expedient that similar provision should be made for payment by the said Company of the expenses of any naval force which now is or at any time hereafter may be sent to the East-Indies or parts aforesaid, for the purpose of being employed in hostilities with any of the native powers: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all the charges and expenses of sending out and employing in the East-Indies and parts aforesaid the naval force which hath been lately sent out by his Majesty, upon the representation of the Court of Directors of the said United Company, with the approbation of the Commissioners for the affairs of India, and also all the charges and expenses of any naval force which may hereafter be sent out by his Majesty, his heirs or successors, upon the representation of the Court of Directors of the said United Company, and with the approbation of the said Commissioners, for the purpose of being employed in hostilities against any of the native powers in the East-Indies or parts aforesaid, shall be borne by the said United Company as part of their political charges, and the amount thereof shall from time to time, as the same shall be ascertained, be paid into the receipt of the Exchequer, in such manner as the Commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall direct.

Charges and expenses of naval forces sent out on representation of Directors of East-India Company, to be defrayed by the Company.

## 7 GEORGII IV. Cap. LVI.

AN ACT *to suspend the Provisions of an Act of his late Majesty, respecting the Appointment of Writers in the Service of the East-India Company, and to authorize the Payment of the Allowances of the Civil and Military Officers of the said Company dying while absent from India.* [26*th May* 1826.]

The first two sections of this Act related to the appointment of writers not having passed through the College, and to making provision for their examination. The operation of the plan was restricted

to three years from the passing of the Act. It was continued by 10 Geo. 4, cap. 16, until the 10th April 1834, when it was suffered to expire.

Representatives of officers dying, during a temporary absence from their stations, may receive salaries to which such officers would have been entitled. 33 G. 3, c. 52.

III. And whereas by an Act passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," it was enacted, that if any Governor-general, or any other officer whatever in the service of the said Company, should quit or leave the presidency or settlement to which he should belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office should not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning back to his station at such presidency or settlement, or of his coming to Europe, his salary and allowances should be deemed to have ceased from the day of his quitting such presidency or settlement; any law or usage to the contrary notwithstanding: and whereas it hath happened that officers, as well civil as military, in the service of the said Company, who have quitted the presidencies or settlements to which they respectively belonged in consequence of ill-health, with the intention of returning to their stations at such presidencies or settlements without proceeding to Europe, have died during such temporary absence within the limits of the said Company's Charter or at the Cape of Good Hope: and whereas it is just and reasonable that the representatives of such officers should be entitled to the salaries and allowances of such officers from the time of quitting their stations; be it therefore enacted, that it shall and may be lawful to and for the said Company to cause payment to be made to the representatives of officers in their service, civil or military, who having quitted or left their stations, and not having proceeded or intended to proceed to Europe, but intending to return to their stations, have died, or may hereafter happen to die, during their temporary absence within the limits of the said Company's Charter, or at the Cape of Good Hope, of such salaries and allowances, or such portion of salaries or allowances, as the officers so dying would have been entitled to if they had returned to their stations.

Former payments confirmed.

IV. And whereas certain payments have heretofore been made under the circumstances aforesaid, be it further enacted, that all such payments so made shall be deemed and taken to have been legally made; any thing in the said recited Act of Parliament to the contrary notwithstanding: provided always, that nothing herein contained shall extend to authorize the said Company to make any such payment to the representatives of any such officer who shall have quitted or left his station prior to the second day of May one thousand eight hundred and twenty-one.

For the conditions under which payment of salaries and allowances may be made on account of officers below a certain rank while absent from their stations, see 1 Vic. cap. 47.

## 7 & 8 GEORGII IV. Cap. XV.

*An Act for declaring the Law in relation to Bills of Exchange and Promissory Notes becoming payable on Good Friday or Christmas Day.* [12*th April* 1827.]

39 & 40 G. 3, c. 42.

Whereas an Act was passed in the thirty-ninth and fortieth years of the reign of his late Majesty King George the Third, intituled, "An Act for the better Observance of Good Friday in certain Cases therein mentioned;" and it was thereby enacted, that where bills of exchange and promissory notes became due and payable on Good Friday, the same should, from and after the first day of June then next ensuing, be payable on the day before Good Friday; and that the holder or holders of such bills of exchange or promissory notes might note and protest the same for nonpayment on the day preceding Good Friday, in like manner as if the same had fallen due and become payable on the day preceding Good Friday; and that such noting and protest should have the same effect and operation at law as if such bills and promissory notes had fallen due and become payable on the day preceding Good Friday, in the same manner as was usual in the cases of bills of exchange and promissory notes coming due on the day before any Lord's Day, commonly called Sunday, and before the feast of the nativity or birth-day of our Lord, commonly called Christmas Day; and whereas, notwithstanding the said recited Act, and notwithstanding the general custom of merchants, doubts have arisen whether notice of the dishonour of bills of exchange and promissory notes falling due on any Good Friday or on any Christmas Day, should not be given on such Good Friday or Christmas Day respectively, and whether in cases where bills of exchange and promissory notes fall due on the day preceding any Good Friday or Christmas Day, notice of the dishonour thereof should not be given on the Good Friday or the Christmas Day next after the same bills of exchange and promissory notes so fall due; and it is expedient that such doubts should be removed: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and immediately after the tenth day of April one thousand eight hundred and twenty-seven, in all cases where bills of exchange or promissory notes shall be payable, either under or by virtue of the said recited Act, or otherwise, on the day preceding any Good Friday, or on the day preceding any Christmas Day, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes to give notice of the dishonour thereof until the day next after such Good Friday or Christmas Day; and that whenever Christmas Day shall fall on a Monday, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding Saturday, to give notice of the dishonour thereof until the Tuesday next after such Christmas Day; and that every such notice given as aforesaid shall be valid and effectual to all intents and purposes.

Where bills of exchange, becoming due on the day preceding Good Friday or Christmas Day, are dishonoured, notice thereof may be given on the day after such Good Friday, &c.

II. And whereas similar doubts have existed with respect to bills of exchange and promissory notes falling due upon days appointed by his Majesty's proclamation for solemn fasts or days of thanksgiving, or upon the day next preceding such days respectively, and it is expedient that such doubts should be removed; be it therefore further declared and enacted, that from and after the said tenth day of April one thousand eight hundred and twenty-seven, in all cases where bills of exchange or promissory notes shall become due and payable

Bills of exchange becoming due on fast or thanksgiving days, to be payable on the day next preceding such fast or thanksgiving day.

on any day appointed by his Majesty's proclamation for a day of solemn fast or a day of thanksgiving, the same shall be payable on the day next preceding such day of fast or day of thanksgiving, and in case of nonpayment may be noted and protested on such preceding day; and that as well in such cases, as in the cases of bills of exchange and promissory notes becoming due and payable on the day preceding any such day of fast or day of thanksgiving, it shall not be necessary for the holder or holders of such bills of exchange and promissory notes to give notice of the dishonour thereof until the day next after such day of fast or day of thanksgiving; and that whensoever such day of fast or day of thanksgiving shall be appointed on a Monday, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding Saturday, to give notice of the dishonour thereof until the Tuesday next after such day of fast or day of thanksgiving respectively: and that every such notice, so given as aforesaid, shall be valid and effectual to all intents and purposes.

Good Friday, Christmas Day, &c. as regards bills of exchange, to be treated as the Lord's Day.

III. And be it further enacted, that from and after the said tenth day of April one thousand eight hundred and twenty-seven, Good Friday and Christmas day, and every such day of fast or thanksgiving so appointed by his Majesty, is and shall, for all other purposes whatever, as regards bills of exchange and promissory notes, be treated and considered as the Lord's Day, commonly called Sunday.

Act not to extend to Scotland.

IV. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to that part of the United Kingdom called Scotland.

---

## 9 GEORGII IV. Cap. XXXIII.

AN ACT *to declare and settle the Law respecting the Liability of the Real Estates of British Subjects and others, situate within the Jurisdiction of his Majesty's Supreme Courts in India, as Assets in the Hands of Executors and Administrators, to the Payment of the Debts of their deceased Owners.*

[27*th June* 1828.]

Whereas some doubts have arisen whether, and to what extent, the real estates of British subjects and others, (not being Mahomedans or Gentoos,) situate within or being under the jurisdiction of his Majesty's Supreme Courts of Judicature in India, are liable, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners: and whereas it is expedient that such doubts should be removed; be it therefore and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whenever any British subject shall die seised of or entitled to any real estate in houses, lands, or hereditaments, situate within or being under the general civil jurisdiction of his Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort Saint George, and Bombay respectively, or whenever any person (not being a Mahomedan or Gentoo) shall die seised of or entitled to any such real estate, situate within the local limits of the civil jurisdiction of the same Courts respectively,

Whenever any British subjects, or persons not being Mahomedans or Gentoos, shall die, entitled to any real estate in India, such estate shall be deemed assets.

such real estate of such British subject or other person as aforesaid, (not being a Mahomedan or Gentoo,) is and shall be deemed assets, in the hands of his or her executor or administrator, for the payment of his or her debts, whether by specialty or simple contract, in the ordinary course of administration.

Executors may sell such real estates for the payment of debts.

II. And it is further declared and enacted, that it is and shall be lawful for such executor or administrator of such British subject or other person as aforesaid, (not being a Mahomedan or Gentoo,) to sell and dispose of such real estate for the payment of such debts as aforesaid, and to convey and assure the same estate to a purchaser, in as full and effectual a manner in law as the testator or intestate of such executor or administrator could or might have done in his life-time.

In any action for debt, the executor may be charged with the full amount of such real estate.

III. And it is further declared and enacted, that in any suit or action to be commenced and prosecuted in any of the said Courts respectively, against such executor or administrator as aforesaid, for the recovery of any debt or demand due and owing by such testator or intestate in his life-time and at the time of his death, such executor or administrator shall and may be charged with the full amount in value of such real estate as aforesaid, not exceeding the actual net proceeds of such estate when sold by the sheriff, as assets in the hands of such executor or administrator to be administered.

In suits against executors, Courts may order writs of sequestration.

IV. And it is further declared and enacted, that in any such suit or action against such executor or administrator as aforesaid, it is and shall be lawful for the said Courts respectively to award and issue such writs of sequestration and execution against such houses, lands, and real effects of such testator or intestate, in the hands of such executor or administrator as aforesaid, and to cause the same to be seized, sequestered, and sold, or possession thereof delivered under such writs respectively, in the same manner as such Courts could and might have done in the life-time of such testator or intestate as aforesaid.

Conveyances and assurances of such estates shall be deemed good.

V. And it is further declared and enacted, that all conveyances and assurances of such real estates of such British subjects and other persons so dying seised or entitled as aforesaid, (not being Mahomedans or Gentoos,) situate within or being under the general or local jurisdiction of such Courts respectively as aforesaid, heretofore made and executed by executors and administrators of such deceased British subjects and other persons as aforesaid, are hereby confirmed, and shall be deemed, held, and taken to be of the same force, validity, and effect in law, as if the same had been made and executed by such deceased persons in their life-time.

This Act not to alter the legal quality or tenure of any estates.

VI. Provided nevertheless, and it is hereby declared and enacted, that neither this Act, nor any thing herein contained, shall be construed to operate as or have the effect of changing or altering the legal quality, nature, or tenure of any lands, houses, estates, rights, interests, or any other subject of property whatsoever, or of making the same or any of them to be of the nature of real property, if by law, before the passing of this Act, the same or any of them were personal property; but that the law in that respect shall be and continue the same as if this Act had not passed.

## 9 GEORGII IV. Cap. L.

AN ACT *for regulating the Appropriation of certain unclaimed Shares of Prize-Money acquired by Soldiers or Seamen in the Service of the East-India Company.* [15*th July* 1828.]

Whereas by an Act made and passed in the first and second years of the reign of his present Majesty, intituled, "An Act to regulate the Appropriation of unclaimed Shares of Prize-money belonging to Soldiers or Seamen in the Service of the East-India Company," provisions are made for regulating the appropriation of all such unclaimed prize-money, belonging to soldiers or seamen in the service of the United Company of Merchants of England trading to the East-Indies, as had accrued at the time of the passing of the said Act, and as was then remaining in the hands of any prize agent or agents, or any other person or persons whomsoever: and whereas it is expedient that provision should be made for regulating the appropriation of all sums of money belonging to officers and soldiers employed in the service of the said United Company, and of all sums of money belonging to commanders, officers, and crews of ships hired by or belonging to the said United Company, which, since the passing of the said Act, have come into the hands of any prize agent or agents, or any other person or persons whomsoever, or which, since the passing of the said Act, have severally arisen from or have become distributable, or shall hereafter arise from or become distributable, in respect of any capture made, or other warlike service already performed, and which shall hereafter come to the hands of prize agents and other persons; and that all unclaimed shares of such prize-money should be appropriated as herein-after is provided: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen or to arise from or distributable, or hereafter to become distributable, in respect of any capture made, or other warlike service whatsoever already performed, belonging or to belong to officers or soldiers or to any officer or soldier in or having been in the service of the said Company, in whatever service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the hands or shall hereafter come into the hands of any prize agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the fund established by the Right Honourable Robert late Lord Clive, for the relief of persons and the widows of persons in the military service of the said United Company, commonly called "Lord Clive's Fund," for the purpose and objects of the said fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded, without interest, to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

& 2 G. 4, c. 61.

Prize-money belonging to soldiers remaining in the hands of agents and others, to be paid over to the East-India Company.

Application of the money so paid over.

II. And be it further enacted, that all and every shares and share of booty, prize-money, head-money, bounty-money, and salvage-money, and of money arisen or to arise from or dis-

Prize-money belonging to seamen, in the hands of agents

and others, to be paid over to the East-India Company.

tributable, or hereafter to become distributable, in respect of any capture made, or other warlike service whatsoever already performed, belonging or to belong to commanders, officers, sailors, or other persons, or to any commander, officer, sailor, or other person, serving or who may have served on board of any ship or vessel in the service of the said Company, whether hired or belonging to the said Company, in whatsoever service the same may have accrued, which, since the passing of the said recited Act, has come into and is now remaining in the hands or shall hereafter come into the hands of any prize agent or agents, or any other person or persons whomsoever, shall be paid over to the said United Company in London, or at any of their settlements abroad, according to the residence of the party or parties paying the same, or as the Court of Directors of the said United Company shall direct; and all sums of money, when so paid over, shall be applied to the hospital fund established for the relief of persons and widows of persons belonging to ships and vessels in the service of the said United Company, commonly called "Poplar Hospital," for the purposes and objects of the said last-mentioned fund, according to the rules and regulations for the time being thereof; subject nevertheless to be refunded, without interest, to any person or persons entitled to the same, and establishing his, her, or their claim or claims thereto to the satisfaction of the Court of Directors of the said Company, or of the Governor and Council of the settlement where the same shall have been paid over to the said Company.

Application of such money.

Nothing herein to give to the Company any right to prize-money of any soldier or sailor on account of services in any of his Majesty's forces or ships.

III. Provided always, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to give to the said United Company, or any person or persons on the behalf of the said Company, any right, title, or interest in or to any booty, prize-money, head-money, bounty-money, salvage-money, or to any forfeited or unclaimed share or shares thereof, which now is or are or hereafter shall be due or payable to any officer, soldier, sailor, or other person, on account of services in his Majesty's army, royal artillery, black, provincial, or other troops in the pay of his Majesty, or on board of any of his Majesty's ships or vessels, or in any other service, to the forfeited and unclaimed shares of which the Royal Hospital for seamen at Greenwich, or the Royal Hospital for soldiers at Chelsea, the respective treasurers thereof, are entitled or shall become entitled by the laws now in force, nor to give any powers or authorities to the said United Company over such last-mentioned booty, prize-money, head-money, bounty-money, or salvage-money, or in respect thereof.

Times within which payments to the Company are to be made.

IV. Provided also, and be it further enacted, that all money now remaining in the hands of any prize agent or agents, or any other person or persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the passing of this Act; and all such money which shall be to be paid over at any of the settlements abroad of the said United Company, shall be paid within six calendar months next after the governments of the said settlements respectively shall have caused the provisions of this Act in that respect to be notified in the way in which general orders for the army are usually published at the said settlements respectively; and that all money which shall hereafter come into the hands of any prize agent or prize agents, or any other person or persons whomsoever, and which is hereby directed to be paid over to the said United Company, and which shall be to be paid over in London, shall be paid within six calendar months next after the receipt thereof by such prize agent or agents, or other person or persons; and that all such money which shall be to be paid over at any of the settlements abroad of the said United Company, and which shall be in the hands of such prize agent or agents, or other person or persons, at the time

when the governments at the said settlements respectively shall have caused the provisions of this Act in that respect to be notified in the way in which general orders for the army are usually published at the said settlements respectively, shall be paid over within six calendar months next after such notification; and that all such money which shall, after such notification, come to the hands of any prize agent or agents, or other person or persons whomsoever, shall be paid within six calendar months next after the receipt thereof by such prize agent or agents, or other person or persons.

Agents and other persons to deliver upon oath accounts of unclaimed shares.

V. And be it further enacted, that all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall and they are hereby required, without further requisition or notice, to deliver or cause to be delivered to the secretary of the said United Company in London, or to the several secretaries of the respective governments at the settlements abroad, where such money shall be to be paid over to the said United Company respectively, a true and correct account of all the monies remaining in his or their hands, and so to be paid over, with a list or lists of the names, rank, regiment, or other sufficient description of the persons entitled thereto, which accounts and lists shall be verified by the affidavit on oath of the party or one of the parties required to deliver the same, such oath to be taken before any magistrate or other person authorized by any court of law or equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly.

The Court of Directors and Governments abroad empowered to call for general prize accounts on oath.

VI. And be it further enacted, that upon the reasonable request and notice of the Court of Directors of the said United Company, and the governments of the settlements of the said Company abroad respectively, all and every person and persons whomsoever, who are required by this Act to pay over any money to the said United Company, shall make out and deliver, or cause to be made out and delivered, to the secretaries of the said Court of Directors and of the said governments respectively requiring the same full, true, and particular accounts in writing of all the receipts, payments, dealings, and transactions of such person and persons; and if they shall be executors, administrators, agents, or representatives, then full, true, and particular accounts in writing of their several testators, intestates, and principals, any way relating to any booty, prize-money, or other matter in respect of which such money so to be paid over shall have arisen, with the dates of all and every such receipts, payments, dealings, and transactions, and true and correct lists and descriptions of all grants, deeds, writings, books of account, letters, and papers whatsoever in the custody or power, or which ever shall have been in the custody or power of the persons respectively required to make out and deliver the same, or of their respective testators, intestates, or principals, any way relating to any such booty, prize-money, or other matter; which accounts and lists shall be verified by affidavit on oath, to the best of the knowledge, information, and belief of the person or persons required to make out and deliver the same, such oath to be taken before any magistrate or other person authorized by any Court of Law or Equity to administer oaths, and which oath such magistrate or other person is hereby required to administer accordingly; and all the grants, deeds, writings, books of account, letters, and papers relating to the matters aforesaid, and in the custody or power of the person or persons required to pay over any such money as aforesaid, shall be produced and shown at all reasonable times, at the place or places where such grants, deeds, writings, books of account, letters, and papers shall be usually kept and deposited, or in some other reasonable and convenient manner, to such person and persons as the said Court of Directors, or the said governments respectively, shall direct or authorize to inspect the same; and such person and

persons shall have full liberty to inspect and take, and cause to be taken, such copies, extracts, and abstracts thereof as he or they, or the said Court of Directors, or the said governments respectively, shall see fit: provided always, that this Act, or any thing herein contained, or the production, inspection, or examination of the accounts, books, and papers before mentioned, shall not in any way be deemed or construed to extend to open any account which shall have been conclusively closed and settled by the order, judgment, sentence, or decree of any Court of competent jurisdiction, or in any other manner by which the parties interested therein would have been concluded if this Act had not passed, nor to prevent any Court of competent jurisdiction to order any such account to be opened, or to give liberty for surcharge or falsification thereof, upon just cause and ground shewn for that purpose.

Not to require accounts which have been legally closed.

Persons taking false oaths guilty of perjury, and persons suborning liable to the penalties of perjury according to the law of England.

VII. And be it further enacted, that if any person or persons whosoever shall be convicted of making a false oath touching any of the matters directed or required by this Act to be testified on oath, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of perjury are liable by any law in force in that part of the United Kingdom called England; and if any person shall corruptly procure or suborn any other person or persons to swear falsely in any such oath, such person, being duly convicted of such procuring and suborning, shall for every such offence incur and suffer such penalties, forfeitures, pains, and disabilities as persons convicted of perjury are respectively liable unto by any law in force in the said part of the said United Kingdom called England.

Power of recovery of the monies directed to be paid over.

VIII. And be it further enacted, that the said United Company shall have and be entitled to the same rights, powers, remedies, and methods of suit at law or in equity, or by any Admiralty process, to be commenced and prosecuted in the name of the said United Company, in the several Courts of Justice in the United Kingdom, and in the East-Indies, and elsewhere soever, for discovery and recovery of the monies hereby directed to be paid over to the said Company, as the original owners thereof now have, or are entitled to use or exercise; and all Courts of Law and Equity, and of Admiralty jurisdiction, in the United Kingdom, and in the East-Indies, shall have and exercise the same jurisdiction, powers, and authorities for compelling all and every person and persons to account for and pay over the monies hereby directed to be paid over to the said United Company, as any Court of Law or Equity, or of Admiralty jurisdiction, may now lawfully exercise, with respect to any unclaimed balances payable to the treasurers of Greenwich Hospital and Chelsea Hospital respectively, by virtue of any Act or Acts of Parliament, or any law, usage, or custom whatsoever; and that it shall and may be lawful to and for the Court of Directors of the said United Company, and the several governments of the settlements abroad of the said United Company, to exercise the same or the like powers and authorities, for the recovery of the monies hereby directed to be paid over to the said United Company, as may now be exercised by virtue of any Act or Acts of Parliament now in force relating to prize-money by the treasurers of Greenwich Hospital and Chelsea Hospital respectively, so far at such powers and authorities extend to the recovery by them, and the discovery, of unclaimed shares of prize money due and belonging to any officers, soldiers, or seamen in the service of his Majesty, and shall be applicable to the objects of this Act, and all and every agent or agents shall be subject to the like penalties for neglect or default in not accounting for or paying over the share or shares, which by the said recited Act or by this Act is or are made payable to the said United Company, as agents are made liable to by any Act or Acts now

Courts of Justice invested with the same powers as they now have with respect to Greenwich and Chelsea Hospitals.

Court of Directors, &c. to exercise similar authority to what may be exercised by the treasurer of Greenwich and Chelsea Hospitals.

in force, for not accounting for or for not paying over shares and balances to the treasurers of Greenwich and Chelsea Hospitals respectively.

Not to affect the interests of Chelsea or Greenwich Hospitals.

IX. And be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to affect the Royal Hospital for soldiers at Chelsea, nor the Royal Hospital for seamen at Greenwich; nor to take away, repeal, diminish or interfere with any claim, right, or interest which by virtue of any law or laws now in force may have been given, or are now existing, or may hereafter by virtue of the said Acts become vested in the said royal hospitals, or in the treasurers thereof, on any unclaimed and forfeited shares of prize-money, or for the recovery thereof, for the benefit of the said institutions, or for the benefit of the person or persons entitled to any unclaimed and forfeited shares of prize-money; but the same shall continue and remain in the said Commissioners, and in the said treasurers, as if this Act had not been made.

Acquitting persons paying over prize-money.

X. And be it further enacted, that all and every person and persons who shall pay over to the said Company, or to any other person or persons by their order or for their use, any sum or sums of money required to be paid under the provisions of this Act, shall, from and after such payment, be absolutely acquitted and discharged from all claims and demands whatsoever of all and every other person and persons to the same monies which shall be so paid over.

Expenses of carrying this Act into execution to be defrayed out of the monies recovered.

XI. And be it further enacted, that all expenses incurred or to be incurred in executing this Act, and the sums paid in remunerating the officers or persons employed on behalf of the said United Company, for their care, pains, and trouble in performing the regulations and directions thereof, shall, so far as the same relate to those officers or persons, be subject to the discretion of the Court of Directors for managing the affairs of the said Company, and shall be paid out of the principal monies to be recovered and discovered as aforesaid on account of such shares respectively: provided nevertheless, that no person employed by the said United Company in executing the regulations of this Act, shall act as an agent for prizes, or be concerned directly or indirectly in the business thereof, under the penalty of five hundred pounds.

Persons employed by the Company not to act as agents.

Not to prevent persons trying rights to prize-money.

XII. Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to prevent any person or persons from resorting to any remedy at law or in equity against the said Company, for the recovery of principal, without interest, of any money to which he, she, or they may be entitled, and which shall have been paid to the said United Company, or which shall have been carried over by the said Company to the credit of either of the funds herein-before mentioned, under the directions of this Act; provided such person or persons shall have preferred his or their claim thereto to the said Court of Directors, if such money shall have been paid over to the said Company in England, or shall have been carried over from their funds at home, or to the Governor in Council of the presidency where the same shall have been paid or carried over, if paid over to the said Company, or carried over from their funds in India, within six years after the same shall have been so paid or carried over; any thing herein contained to the contrary notwithstanding.

Public Act.

XIII. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

## 9 GEORGII IV. Cap. LXXII.

AN ACT *to extend the Provisions of the East-India Mutiny Act to the Bombay Marine.* [19*th July* 1828.]

4 G. 4, c. 81.

Whereas in the fourth year of the reign of his present Majesty an Act was passed, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage:" and whereas the said Company, for the safety and protection of the territories under their government, in addition to their land forces, maintain a marine establishment called "The Bombay Marine;" and it is expedient that discipline should be enforced therein in the manner provided by the said Act in respect to the other forces of the said Company; and it is intended that the officers of the said Bombay marine should hereafter be commissioned, and the seamen should be enlisted, as officers and soldiers respectively of the said Company's army: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the provisions of the said Act, and the Rules and Articles of War made and to be made by virtue thereof, shall extend and be applied to the service of the Bombay marine; and that all persons in the service of the said Company belonging to the said Bombay marine, who shall be commissioned or in pay as officers, or enlisted or in pay as non-commissioned officers or soldiers respectively, in the said Company's army, shall be, to all intents and purposes, liable to the provisions of the said Act, and to the same Rules and Articles of War, and the same penalties, as the officers and soldiers of the said Company's other forces.

Provisions of recited Act, and the Articles of War made by virtue thereof, to extend to the Bombay marine.

II. And be it further enacted, that this Act shall commence and take effect from and after the first day of January one thousand eight hundred and twenty-nine.

Commencement of Act.

---

## 9 GEORGII IV. Cap. LXXIII.

AN ACT *to provide for the Relief of Insolvent Debtors in the East-Indies, until the First Day of March One thousand eight hundred and thirty-three.*(1) [19*th July* 1828.]

(1) [See note at end of Act.]

Whereas divers good laws have of late years been established within the United Kingdom of Great Britain and Ireland for the relief of insolvent debtors, and it is right that relief be given also to insolvent debtors in some parts of the East-Indies; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of March one thousand eight hundred and twenty-nine, there shall be holden, within the respective limits of the towns of Calcutta, Madras, and Bombay, separate Courts for the relief of insolvent debtors, which shall be Courts of Record,

Courts for the relief of insolvent debtors shall be held at Calcutta, Madras, and Bombay.

and shall be styled "The Courts for the Relief of Insolvent Debtors;" and that his Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay respectively, shall from time to time appoint such of their officers, or if the officers of such Supreme Courts shall be found insufficient, such additional persons as may be necessary to transact the business of such Courts, and to act as common assignees, examiners, and ministerial officers of such Courts; and it shall be lawful for the said Courts for the relief of insolvent debtors to administer oaths, and examine parties and witnesses upon oath or solemn affirmation; and the said Courts, within and throughout the British territories under the government of the United Company of Merchants of England trading to the East-Indies, shall have the like powers of issuing commissions to take evidence, and of enforcing the attendance of witnesses and the production of books, papers, and writings, and of summoning, examining, and enforcing the attendance of any insolvent debtor, or his wife, or any other person who may be able to give information respecting the debts, estates, or effects of any such insolvent debtor, as are now possessed by the said Supreme Court, or as are possessed by Commissioners of bankrupt, in case of bankruptcy, for the purpose of summoning, examining, and enforcing the attendance of bankrupts and their wives, and other persons, under and by virtue of an Actpassed in the sixth year of the reign of his present Majesty, and intituled "An Act to amend the Laws relating to Bankrupts;" and the said Courts for the relief of insolvent debtors shall also have the power of fining in a summary way, or of committing to the common gaol, all persons guilty of contempt of Court, and of fining in a summary way and of removing any of their officers who shall be guilty of negligence or misconduct; but the said Courts for the relief of insolvent debtors shall not have the power of awarding costs against any person, except in cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by some rule which shall be made by the said Supreme Courts respectively, for the purposes and in the manner herein-after stated: provided always, that the said Courts for the relief of insolvent debtors shall not summon or examine any native of the East-Indies, otherwise than by commission, in any case in which such summoning or examination shall appear to the said Court to be repugnant to the customs and usages of the country.

Powers of the said Courts.

6 G. 4, c. 16.

II. And be it further enacted, that a Court for the relief of insolvent debtors shall be holden once a month at least throughout the year, and oftener if need be, in Calcutta, and as often as may be found necessary within the towns of Madras and Bombay, by any one Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for the said Courts for the relief of insolvent debtors to adjourn from time to time as they may think fit, and for the said Courts and the said Supreme Courts respectively, to be sitting at one and the same time, and severally to act and proceed in the exercise of their respective powers; and every advocate or attorney of the said Supreme Courts at Calcutta, Madras, and Bombay respectively, shall be admitted to practise in the way of his profession in the said Courts for the relief of insolvent debtors respectively, and no other persons shall practise as advocates or attornies in the said Courts for the relief of insolvent debtors; and the said Supreme Courts of Judicature respectively shall have power from time to time to establish rules to regulate the proceedings of the Courts for the relief of insolvent debtors to be holden within their respective jurisdictions, and especially to prescribe in what manner notice shall be given to the creditors of parties applying for relief under this Act, and in what cases, besides those mentioned in this Act, costs may be awarded; and shall prepare, and cause to be sealed with their respective seals, a sufficient and proper list of fees to be charged and received by the officers of the Courts for the relief of insolvent debtors, and shall certify under their respective seals, and transmit to the President of the Board of Commissioners for

Practice of the Court.

the affairs of India, copies of such rules and list of fees, to be laid before his Majesty for his royal approbation, correction or revision, and other copies of the same shall at all times be fixed in conspicuous places in the Courts for the relief of insolvent debtors; and no other fee or gratuity shall be received or taken by any officer or attorney of such last-mentioned Courts on any pretence whatsoever, except such as shall be specified in such lists.

Parties interested may require evidence to be taken down in writing.

III. And be it further enacted, that any person who shall be interested in any petition for relief which shall be presented by any insolvent person to any of the said Courts for the relief of insolvent debtors, or in any petition which shall be presented against any trader to any of the said Courts, praying an adjudication of insolvency as herein-after mentioned, or in any proceeding of any of the said Courts respecting any such petition, upon depositing with the proper officer of the Court a sum of money of which the amount shall be fixed by the Court, may require that the whole of the evidence relating to any proceeding in which he has an interest may be taken down in writing by a sworn officer of the Court, and the same shall be done accordingly; and in case the party who shall have so required such evidence to be taken down in writing shall not within one calendar month thereafter present his or her petition of appeal as is herein-after directed, it shall be lawful for the Court in which such evidence shall have been so taken down in writing as aforesaid to pay the reasonable costs and expenses thereof out of the money which shall have been so deposited as aforesaid, returning the overplus if any to the person who shall have deposited the same.

Parties aggrieved may petition the Supreme Court, &c.

IV. And be it further enacted, that it shall be lawful for any person who shall think himself aggrieved by any adjudication, order, or proceeding of any such Court for the relief of insolvent debtors, to present, within one calendar month thereafter, a petition to the Supreme Court of Judicature of the presidency where such Court for the relief of insolvent debtors shall be holden, or if such Supreme Court of Judicature shall not be sitting, then to present such petition to one of the judges thereof; and it shall be lawful for the Court or Judge to which or to whom any such petition shall be presented to order that the whole of the evidence, if any, which shall have been so taken down in writing as aforesaid, and the minutes and records of the proceedings of which complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the matter of the petition and of such proceedings and evidence, and shall make such order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what manner the costs of such petition, and of the proceedings which shall have been had thereon, and of the taking down of any such evidence in writing, and of the proceedings of which complaint shall have been made, shall be paid; and such order shall be final and conclusive as to all parties, and shall be compulsory and binding upon the Court in which such proceedings so complained of shall have been had.

Persons imprisoned for debts may petition the Court for the relief of insolvents.

V. And be it further enacted, that after the time herein-before appointed for this Act to take effect, any person who shall be in prison within the respective limits of the towns of Calcutta, Madras, and Bombay, for debt, damage, costs, or money which such person is solely, or jointly with any other or others, liable to pay, or for contempt of any Court whatsoever, by the nonpayment of money only, may, at any time within fourteen days next after the commencement of the actual custody of such debtor, or afterwards, if the Court shall in any case think it reasonable and proper to permit the same, apply by petition to the Court for the relief of insolvent debtors within the presidency where such insolvent debtor shall then be; and in such petition there shall be stated the place wherein the prisoner shall

be then confined, the time when he or she shall have been first charged in custody, and the parties by whom, and the reasons and the amount for which, he or she shall at the time of presenting such petition be detained; and the said petition shall be subscribed by the prisoner with his name or mark, and shall forthwith be filed in the Court to which it shall be presented; and if any persons so imprisoned as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by petition, in such manner as is herein-before mentioned.

Insolvent persons who can deliver up property to the amount of half their debts, and of a certain value, may petition without being in prison.

VI. And be it further enacted, that if any person or persons being so indebted as aforesaid, and who shall reside within the jurisdiction of either of the said Supreme Courts at Calcutta, Madras, or Bombay, shall find that he, she, or they is or are in insolvent circumstances, but that he, she, or they has or have some estate and effects of the amount of half his, her, or their debts, of which instant possession might be given to an assignee, it shall be lawful for such person or persons, without being in prison, to apply, jointly or severally, as the case may be, by petition to the Court for the relief of insolvent debtors to be holden at those places respectively, and the petition or petitions shall be subscribed by the insolvent or insolvents with his, her, or their name or names, and shall be forthwith filed in the said Court.

Those who petition jointly may be required to file sole petitions also.

VII. And be it further enacted, that when any such joint petition as is afore-mentioned shall be presented to any Court for the relief of insolvent debtors, it shall be lawful for the Court, if it shall see fit, to require and compel each of the insolvents to file a sole petition also, in order that upon one petition, and by the proceedings to be thereon taken, the Court may dispose of the estates and effects belonging to all the insolvents jointly, and that upon the other petitions, and the proceedings to be thereon taken, it may dispose of the estates and effects belonging to each insolvent separately; and if there shall be any residue of the joint estate and effects after payment of the joint debts, such residue shall be duly divided and paid over to the several assignees who shall have been appointed upon the sole petitions of those to whom such joint estate and effects shall have belonged, and in like manner if there shall be any residue of the separate estate and effects of any of the insolvents after the payment of his or her separate debts, it shall be paid over to the assignee or assignees who shall have been appointed upon the joint petition.

Fines, penalties, forfeitures and recognizances shall not be deemed debts for the purposes of this Act.

VIII. Provided always, and be it further enacted, that no debt due to our Sovereign Lord the King, nor any fine, penalty, or forfeiture whatsoever, nor any recognizance whereby a debt is acknowledged to the King, nor any debt due on account of any fine, penalty, or forfeiture, nor any estreat, shall be deemed or taken to be such a debt or debts as to entitle any person or persons to petition as is before-mentioned, nor shall any person be entitled to receive any dividend for the same under this Act, nor shall any such fines, penalties, forfeitures, recognizances, debts, or estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

At the time of presenting petitions assignments shall be made to persons appointed by the Court.

IX. And be it further enacted, that the person or persons who shall present any such petition as is herein-before mentioned shall, at the time of presenting the same, execute an assignment to the common assignee in such manner and form as the Court shall direct, of all his, her, or their real and personal estate and effects, rights, dues, claims, choses in action, and interests, which he, she, or they shall then have or be entitled to, or which may in any

way come to or be acquired by them before the Court shall have made its final order in the matter of his, her, or their petition.

Lying in prison twenty-one days for debt, or departing the jurisdiction with intent to defeat or delay any creditor, shall be deemed an act of insolvency on which creditor may petition.

X. And be it enacted, that if any person who by an Act passed in the sixth year of the reign of his present Majesty, intituled, "An Act to amend the Laws relating to Bankupts," or by any Act hereafter to be passed, shall be deemed a trader liable to become bankrupt, having been arrested or committed to prison for debt, or on any attachment for nonpayment of money, shall, upon such or any other arrest or commitment for debt, be in prison for twenty-one days, or having been arrested or committed to prison for any other cause, shall lie in prison for twenty-one days after any detainer for debt lodged against him and not discharged: or if any such person shall depart from within the limits of the jurisdiction of any of the said Supreme Courts with intent to defeat or delay his or her creditors; it shall be lawful for any creditor to whom such person shall be indebted to the amount of one thousand sicca rupees, or for any two creditors to whom such person shall be indebted to the amount of one thousand five hundred sicca rupees, or for any three or more creditors to whom such person shall be indebted to the amount of two thousand sicca rupees, to present a petition to the Insolvent Debtors Court of the Presidency within which such person shall have been imprisoned, or have resided previously to such departure as aforesaid, stating the amount of the debt or debts due to such creditor or creditors from such person, and the nature of his trading, and such act of lying in prison or departure as aforesaid, and praying that such Court would proceed in like manner as if such person had petitioned such Court for relief under this Act; whereupon such Court shall inquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such person has committed an act of insolvency.

Upon such adjudication the Court to be invested with the same powers as if insolvent had petitioned.

XI. And be it enacted, that upon such adjudication being made, such Court shall be invested with the same powers and authorities with which such Court would have been invested or might have exercised in case such insolvent had presented a petition for relief under this Act, and all the real and personal estate and effects, rights, dues, claims, choses in action, and interests, which such insolvent shall then have or be entitled to, or which may in any way come to or be acquired by such insolvent before the Court shall have made its final order in the matter of such petition, shall, by force of such adjudication, be vested in the common assignee of the said Court in like manner to all intents and purposes as if such insolvent had assigned the same under the directions of the said Court: provided always, that in all cases where any adjudication of an act of insolvency shall have been pronounced by any Court for the relief of insolvent debtors, it shall be lawful for such Court, upon the petition of any person so adjudged to have committed an act of insolvency, complaining of such adjudication, and upon proof of notice to the creditor or creditors upon whose petition such adjudication shall have been pronounced, to appoint an early day for hearing such petition of complaint, and on such day, or on any future day to which such hearing may be adjourned, to hear such creditor or creditors and such complainant, by themselves or their counsel respectively, and to examine the evidence to be adduced by them respectively, and thereupon to revoke or confirm such adjudication.

The filing a petition of an insolvent to be accounted an act of bankruptcy.

XII. And be it enacted, that the filing of every petition by an insolvent debtor in any of the said Courts for relief under this Act, whether such insolvent shall be in custody or not, and every such adjudication of an act of insolvency, shall be accounted and adjudged conclusive evidence of an act of bankruptcy committed by such insolvent, from the time of filing

such petition or of such adjudication respectively, if such insolvent shall be a person subject to the laws then in force respecting bankrupts; and any creditor or creditors of such insolvent, whose debt or debts shall be of sufficient amount to entitle him or them by law to petition for a commission of bankrupt, shall at any time within two months after the notice of such petition or adjudication shall have been given in the *London Gazette*, as herein-after directed, be at liberty to sue out a commission of bankrupt, in that part of the United Kingdom called England, against such insolvent, under which commission all such proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by the provisions of an Act passed in the sixth year of the reign of his present Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or by any other Act or Acts hereafter to be passed respecting bankrupts, except as herein-after provided.

Commission may issue on certificate of proof of debt by an Indian creditor.

XIII. And be it further enacted, that when any creditor or creditors resident within the limits of the Charter of the said United Company shall be desirous of suing out any such commission of bankrupt against any such insolvent, it shall be lawful for such person or persons to make proof of his, her, or their debt or debts before such Courts for the relief of insolvent debtors, which proof, if satisfactory to such Court, shall be certified under the seal of such Court; and the certificate thereof, on proof being made that the same is sealed with the seal of such Court, shall be sufficient evidence of a petitioning creditor's debt to warrant the issuing of such commission, and also to authorize the Commissioners under such commission to proceed thereon.

Assignees protected for acts done prior to the commission of bankruptcy.

XIV. Provided always, and be it further enacted, that in case of the issuing of any such commission of bankrupt against any such insolvent, such commission shall not in any manner affect, invalidate, or make void any of the proceedings of any Court for relief of insolvent debtors, nor any of the acts or proceedings of any assignee or assignees appointed by such Court, respecting any property or interest whatsoever of such insolvent, real or personal, within the limits of the Charter of the said United Company, nor shall the assignee or assignees appointed under any such commission acquire any right or title to take possession of, demand, sue for, or recover any property or interest whatsover, real or personal, of such insolvent, within the limits aforesaid; but the assignee or assignees appointed by such Court for the relief of insolvent debtors shall continue, and shall, notwithstanding such commission of bankrupt, have full power and control over all the real and personal property of such insolvent within the limits aforesaid, and the distribution and management thereof, as effectually as if such commission of bankrupt had not issued; nevertheless it shall be the duty of any assignee or assignees appointed by such Court, and the assignee or assignees chosen under the said commission, equally to come to account with each other, so as in the end that a dividend shall be rateably and proportionably made among all the creditors of the said insolvent, whether resident within the limits aforesaid or in the United Kingdom of Great Britain and Ireland.

Creditors whose debts have been allowed in Court to receive equal dividend with creditors under any commission of bankrupt.

XV. And be it further enacted, that all the creditors of any such insolvent whose debts shall have been allowed in any Court for the relief of insolvent debtors shall be admitted as creditors under any such commission of bankrupt, for the purpose of receiving an equal dividend upon the estate of such bankrupt with the creditors who shall have proved their debts under such commission; and in like manner all creditors whose debts shall have been duly proved under any such commission of bankrupt shall be admitted as creditors in such Court for the relief of insolvent debtors, for the purpose of receiving an equal dividend upon the

estate of such insolvent with the creditors whose debts shall have been allowed in such Court.

As to surrender of persons declared bankrupt upon filing petition to the Court only.

XVI. Provided always, and be it enacted, that when any such insolvent shall be declared bankrupt upon the sole ground of his having filed such petition for relief in the said Court for relief of insolvent debtors, or of such adjudication of an act of insolvency as aforesaid, he shall not be required to surrender or be liable to any penalty for not surrendering himself to be examined under his commission, until forty-two days after he shall have come into some part of the said United Kingdom of Great Britain and Ireland.

Creditors and Commissioners may sign certificate of bankrupt, &c.

XVII. And be it enacted, that it shall be lawful for any creditors of such insolvent, who shall have duly proved their debts under any such commission as aforesaid, and for the Commissioners under such commission, if they shall be satisfied with such examination of such insolvent as shall have been had in any Court for the relief of insolvent debtors, to sign the certificate of such bankrupt; and such certificate shall have the same force and effect in all places situate without the limits aforesaid, and in respect of all debts due to persons resident at any such places without the limits aforesaid, at the date of such certificate, as if the same had been duly signed in the usual way, after such bankrupt had duly surrendered and passed his last examination.

No Indian creditor to vote in the choice of assignees, except the petitioning creditor if resident.

XVIII. Provided always, and be it further enacted, that no creditor of such insolvent who shall be resident within the limits aforesaid, excepting only the petitioning creditor or creditors, in case he, she, or they shall be so resident, shall be entitled to vote in the choice of the assignee or assignees to be appointed under any such commission of bankrupt or otherwise, respecting the matters to be transacted under such commission of bankrupt, nor shall be reckoned among the creditors of the bankrupt in number or value whose signature is required by law to the certificate of such bankrupt.

Partnership creditors.

XIX. Provided also, and be it enacted, that in all cases where any one member of a partnership to which any such insolvent shall be indebted shall be resident within the limits aforesaid, such partnership shall be accounted and taken as a creditor resident in the East-Indies, for the purposes of this Act.

Notices to be inserted in the *Gazettes* of the Presidencies and in the *London Gazette*.

XX. And be it further enacted, that the principal officer of the respective Courts for relief of insolvent debtors shall cause notices to be inserted in the *Gazettes* of the respective Presidencies within which such Courts shall be holden, of every petition which shall be filed in any of the said Courts by any insolvent for relief under this Act, and of every such adjudication of an act of insolvency, and of every confirmation or revocation thereof, forthwith after the filing such petition or pronouncing such adjudication, or such confirmation or revocation thereof respectively; and that the chief secretary of the Government of the said Presidencies respectively shall, without delay, transmit to the Court of Directors of the said United Company, by different ships, two or more copies at least of every such *Gazette* which shall contain any such notice as aforesaid, who shall, without delay, after the receipt thereof, cause such notice to be inserted in the *London Gazette*.

Production of the *London Gazette* containing such notice to be sufficient evidence.

XXI. And be it enacted, that the production of the *London Gazette* containing any such notice as aforesaid shall be deemed and taken by all Commissioners of Bankrupt, and all Courts whatsoever, to be sufficient evidence of the filing of the petition of such insolvent in such Court for relief of insolvent debtors, and of such adjudication of an act of insolvency, and of such confirmation or revocation thereof.

When no commission of bankruptcy shall issue, the assignees appointed by the Court may administer the estate.

XXII. Provided always, and be it further enacted, that in all cases where an insolvent petitioning any such Court for relief shall be possessed of any real or personal estate in the United Kingdom of Great Britain and Ireland, and no commission of bankrupt shall be sued out as herein-before mentioned, it shall be lawful for the assignee or assignees of the said insolvent, appointed by any such Court, to proceed, either by himself or themselves, or by any person duly authorized for that purpose by power of attorney, to get possession of such real and personal estate, and to dispose of the same in the most beneficial manner, and to administer the proceeds thereof among the creditors of the said insolvent under the provisions of this Act.

The Court may order part of the insolvent's effects to be left in his possession.

XXIII. And be it enacted, that after the making of any such assignment as is herein-before directed, or after any such adjudication of insolvency as aforesaid, it shall be lawful for any such Court to direct that so much of the wearing apparel, household furniture, working tools, and other necessaries of the insolvent or insolvents, and of his, her, and their family or families, as shall be fitting and suitable to his, her, or their condition and circumstances, may be left in his, her, or their possession until the further order of the Court, not exceeding in value in the whole the sum of one thousand sicca rupees: provided always, that when any person or persons shall have executed any such assignment without being in custody, he, she, or they shall be required forthwith to put the assignee or assignees into possession of his, her, or their estate and effects of the amount of half their debts; and the assignee or assignees who shall be so put into possession shall, according to the best of his or their knowledge and belief, forthwith certify the same to the Court by which he or they shall have been appointed; and until such assignee or assignees shall have so certified, no such order as is herein-before mentioned, for leaving part of the effects of such insolvent or insolvents in his, her, or their possession, shall be made, nor any other step taken towards granting the prayer of the petition of the insolvent or insolvents, or any part thereof.

After assignment made, insolvent to put assignees into the possession of the estate, and assignees to certify the same.

The Court may, upon such certificate, give the insolvent a protection from arrest.

XXIV. And be it enacted, that when any assignee or assignees shall have so certified as is last herein-before mentioned, it shall be lawful for the said Courts for Relief of Insolvent Debtors at Calcutta, Madras, and Bombay respectively, to grant and deliver, to the person or persons by whom such estate or effects shall have been given up, a certificate or certificates of his, her, or their having delivered to his, her, or their assignee or assignees property which is believed to be of the amount of half their debts; and every such last-mentioned certificate shall, until the said Courts respectively shall make order to the contrary, have the effect of protecting the person to whom it shall be so given from being arrested for debt within the limits of the towns of Calcutta, Madras, and Bombay respectively, or any other place within the limits of the Charter of the said United Company to which such person shall resort with leave of the said Courts respectively, signified in writing; and if any such person shall, contrary to the aforesaid provisions, be arrested for debt, and the officer who shall have arrested him or her shall, after having seen such last-mentioned certificate and leave, refuse to discharge such person, he shall forfeit to the same person fifty sicca rupees for every day he shall detain him or her, which sum or sums may be recovered by action of debt in any of his Majesty's Courts of Record within the jurisdiction of which the arrest shall have been made, and such action shall be brought in the name of the person so detained, who, if he shall recover in such action, shall also have full costs of suit.

Upon assignment being made and possession certified, the

XXV. And be it enacted, that when any person or persons being in custody shall have executed any such assignment as is herein-before mentioned, if he, she, or they shall in like

Court may discharge debtors from prison.

manner put the assignee or assignees to whom the assignment shall have been made into possession of his, her, or their estate or effects of the amount of half their debts, and the assignee or assignees of such prisoner or prisoners shall have certified the same to the Court for Relief of Insolvent Debtors, in such manner as herein-before is mentioned, and the Court shall be satisfied of the truth thereof, it shall be lawful for such Court to discharge such person or persons from custody, and to grant and deliver to him, her, or them the like certificate and leave, which shall have the like consequences and effects in protecting him, her, or them from being arrested for debt: provided always, that it shall at all times be lawful for such Court to revoke and annul such certificate or leave, if it shall appear to such Court that such certificate or leave hath been unfairly obtained or improperly used.

Proviso.

General effect of the assignment.

XXVI. And be it enacted, that every such assignment as is herein-before mentioned shall have the effect of conveying or transferring to and of vesting in the assignee or assignees, who shall have been appointed by the Court and named in the assignment, the whole estate and effects, real and personal, and all rights, duties, claims, choses in action, interests, and property whatsoever, which at the time of executing the assignment shall belong to the insolvent or insolvents, either solely or jointly with any other person or persons, or which shall come to or be required by him, her, or them, or to which he shall be or become entitled in reversion, remainder, or expectancy, before the Court shall have made an order for the discharge of such insolvent or insolvents from all liability as herein-after mentioned, and the effect also of entitling and empowering the assignee or assignees to give such discharges for debts due to such last-mentioned person or persons as may be requisite; and every such assignment as is herein-before mentioned shall be in trust for the benefit, in proportion to their respective dues and just claims, of all the creditors of the person or persons executing the assignment.

Offices, appointments, and benefices, if saleable, shall pass to the assignees, and if not, the Court may order a proportion thereof.

XXVII. And be it further enacted, that if any insolvent at the time of making any such assignment as is herein-before mentioned shall hold any public office, appointment, or benefice, civil, military, or ecclesiastical, under the Crown of the United Kingdom of Great Britain and Ireland, or under the said United Company, and if his interest in such office or appointment shall be such that he might lawfully sell the same, such interest for the purpose of sale shall, by the assignment, be transferred to and vested in the assignee or assignees in trust for the benefit of his creditors, and if his interest therein shall not be such as he might lawfully sell, then it shall be lawful for the said Court to order the said insolvent to pay such porportion of his receipts therefrom to his assignee or assignees as the said Court shall think just and right.

Voluntary preference fraudulent, and void as against assignee.

XXVIII. And be it enacted, that if any insolvent who shall file his or her petition for his or her discharge under this Act, or if any trader who shall be adjudged to have committed an act of insolvency on the petition of any such creditor or creditors as aforesaid being in insolvent circumstances, shall voluntarily convey, assign, transfer, charge, deliver, or make over any estate, real or personal, security for money, bond, bill, note, money, property, goods, or effects whatsoever, to any creditor or other person whomsoever, or to any person in trust for or to or for the use, benefit, or advantage of any creditor or other person whomsoever, every such conveyance, assignment, transfer, charge, delivery, and making over if made within two months before the date of such petition, or with the view or intention, by the party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his or her discharge from custody under this Act, or of committing such act of insolvency, shall be deemed and is hereby declared to be fraudulent and

void as against the common or other assignee or assignees of such prisoner appointed under this Act.

No distress for rent shall be made after the assignment.

XXIX. And be it enacted, that after any such assignment shall be made by any petitioner or petitioners, as herein-before mentioned, or after any such adjudication of an act of insolvency as aforesaid, no distress for rent due before the filing of such petition or adjudication shall be made upon the goods or effects of any such insolvent or insolvents before the final order of the Court shall have been made in the matter of the petition before the Court, but the landlord or party to whom the rent shall be due shall be allowed to come in as a creditor, and receive any dividend or dividends in proportion to the amount of any rent due, in like manner as other creditors in proportion to the amounts of their respective dues.

The Court may remove the assignees and appoint others.

XXX. And be it further enacted, that after any such assignment or conveyance as by the provisions of this Act are required to be made to the common assignee of the Court for relief of insolvent debtors or after any such adjudication as aforesaid, it shall be lawful for the said Courts respectively, at any time in their discretion, to appoint some other assignee or assignees, and when such new assignee or assignees shall have signified to the Court his or their acceptance of the appointment, the estate, effects, rights, dues, claims, choses in action, interest, trusts, and powers, which shall have been assigned or conveyed, transferred to, or vested in such common assignee, shall immediately be assigned and conveyed by him to such new assignee or assignees as aforesaid, upon the same trusts and for the same purposes as they are before assigned and conveyed ; and in case any assignee or assignees shall be unwilling to act, or in case of the death or incapacity or misconduct of any assignee or assignees, it shall be lawful for the Court by which he or they shall have been appointed to order that any assignment or conveyance to him or them shall be vacated, and the same shall be vacated accordingly, but so nevertheless that no act or thing done prior to the order whereby they are vacated shall be annulled or in any way affected thereby; and it shall also be lawful for the Court to appoint a new assignee or assignees, with like powers and authorities, and to oblige any assignee or assignees so removed, and the heirs, executors, administrators, and assigns of any deceased assignee, to account for and deliver up all such estate and effects, books, papers, writings, deeds, and all other evidences relating thereto, as shall have come to his, her, or their hands by virtue of any assignment or conveyance made under this Act, and the decision of the Court thereupon shall be final and conclusive; and from and immediately after any such appointment as is aforesaid of any new assignee, all the estate, effects, rights, dues, claims, choses in action, interest, trusts and powers assigned or conveyed to or vested in the assignee or assignees, in the room of whom such new assignee or assignees as aforesaid shall have been appointed, shall by virtue of such appointment be transferred to and become vested in such new assignee or assignees; and whenever an assignee shall die or be removed, or a new assignee or assignees shall be appointed as aforesaid, no action at law or suit in equity brought or defended by him or them in the character of assignee or assignees under this Act shall be thereby abated, but upon the suggestion of such death, removal, or new appointment, such action or suit shall be prosecuted or defended in the name of the existing assignee or assignees; and all such assignments, conveyances, and appointments, as it is herein-before mentioned are to be made under the directions of the Courts for the relief of insolvent debtors, shall be entered on the proceedings of the Court by the order of which they shall be made.

Suits shall not abate by the death or removal of assignees.

Petitioners shall deliver schedules of their property.

XXXI. And be it enacted, that when any such petition as is aforesaid shall be presented by any insolvent or insolvents to the said Court for the relief of insolvent debtors, the party

or parties presenting the petition, at the same time or within thirty days after, or within such further time as the said Court may deem reasonable, shall deliver into the Court a schedule containing a full and true account of all his, her or their debts, whether due by him, her, or them solely, or jointly with any other person or persons, and of all claims made upon the insolvent or insolvents for any such debts not admitted to be due, together with a full and true description of the several persons to whom such debts shall be owing, or by whom such claims shall have been made, and also a true and perfect account of all the estates and effects, real and personal, of the insolvent or insolvents, in possession, reversion, remainder, or expectancy, wheresoever situate, and of all his, her, or their rights, dues, claims, choses in action, and interests, and of all trusts and powers which can in any way be available for the benefit of his, her, or their creditors; and such schedule shall also contain a full and true statement of the names and places of abode of the person or persons from whom any debt or debts shall be owing to the petitioner or petitioners, himself or themselves, or to him, her, or them jointly with any other person or persons, or against whom any claim or action may be brought, maintained, and enforced, and of the witnesses who may be able to prove such debts or support such claim or action, together with any other particulars which may be required by any rules to be established for the practice of the said Courts for the relief of insolvent debtors respectively, or for giving further effect to this Act in the manner which is herein-before set forth; and every such schedule so delivered as aforesaid shall be subscribed by the insolvent or insolvents delivering the same with his, her, or their names, and shall forthwith be filed in the Court.

Insolvent may file schedule after adjudication.

XXXII. Provided always, and be it further enacted, that after any such adjudication of an act of insolvency as aforesaid, it shall be lawful for any insolvent to file a schedule in the Court by which such adjudication shall have been pronounced, in like manner as if such insolvent had presented a petition for relief under this Act, which schedule shall have the like effect and be acted upon in the like manner, and from which schedule such insolvent shall be entitled to the like benefit, as if the same had been filed in consequence of a petition for relief presented by such insolvent under this Act.

After the petition and schedule are filed, the Court shall give notice to the detaining creditor, and appoint a day for hearing the same.

XXXIII. And be it enacted, that after the petition and schedule of any insolvent shall have been filed in any Court for the relief of insolvent debtors, and assignment shall have been made as herein-before directed, and after any such adjudication of an act of insolvency shall have been pronounced upon the petition of any creditor or creditors of such insolvent as aforesaid, the Court shall cause notice thereof to be given to any creditor or creditors of the insolvent at whose suit he or she may be detained in custody, or the attorney or agent of such creditor or creditors, and to the other creditors resident within the British territories in the East-Indies, as the Court shall direct; and notice to the like effect shall be twice at least published in the *Gazette* of the presidency where such Court shall be holden; and the Court in such notice shall appoint a day and place for the hearing of the matters of the petition of such insolvent, or of any such creditor or creditors of such insolvent as aforesaid, after such convenient interval of time that all the creditors resident within the British territories in the East-Indies may have sufficient opportunity of examining and ascertaining the truth or falsehood of the insolvent's petition and schedule.

Hearing of petitions.

XXXIV. And be it further enacted, that upon the day so appointed by the Court as aforesaid for the hearing of any petition, or on any future day to which such hearing may be adjourned, it shall be lawful for the insolvent or insolvents, and for any creditor or creditors

of the insolvent or insolvents, to be heard, either by himself, herself, or themselves, or by counsel, in support of or in opposition to the petition before the Court, and the whole matter and substance of the petition shall be inquired into and examined by the Court, as well respecting the claims of any creditors who shall be absent, as of those who shall be present; and it shall be lawful for the Court to order any insolvent who is in custody to be brought before it as often as occasion may require, and to summon any insolvent who shall not be in custody, and the wife of any insolvent, and any other person, whether a creditor or not, who is known or suspected to have any of the estate or effects of the insolvent or insolvents in his or her possession, or any person who is suspected to be indebted to the insolvent or insolvents, or any person who is believed to be capable of giving any information which will more easily enable the Court to dispose of the estate and effects of the insolvent or insolvents for the benefit of his, her, or their creditors; and it shall also be lawful for the Court to examine any insolvent or his wife, or any other such person, whether a creditor or not, who shall appear before the said Court, in the same way as any other witnesses are examined in any of his Majesty's Courts of Record in the East-Indies in any suits at law or in equity, or according to any rules which may be made for the practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving effect to this Act in the manner which is herein prescribed: provided always, that every witness summoned to attend before the Court shall have his necessary expenses tendered to him, in like manner as by law is required upon service of a subpœna to a witness in an action at law.

Expenses of witnesses.

XXXV. Provided also, and be it enacted, that in all cases where any creditor or other person shall reside more than one hundred miles from the said Court, or shall be incapable of attending the said Court by reason of sickness or infirmity, to be proved to the satisfaction of the Court, it shall be lawful for the Court to receive the affidavit or solemn affirmation of such creditor or other person, and also, if the Court shall think fit, to permit interrogatories to be filed for the examination and cross-examination of any person making or joining in such affidavit or solemn affirmation.

Where creditor is incapable of attending, the Court may receive his affidavit.

XXXVI. And be it further enacted, that when there has been mutual credit given by the insolvent or insolvents and any other person or persons, one debt or demand may be set against the other, and all such debts, dues, and claims as may be proved under a commission of bankruptcy, according to the provisions of an Act passed in the sixth year of the reign of his present Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or may hereafter be proveable under such commission by virtue of any Act hereafter to be passed, may also be proved upon any such hearing, as is herein-before mentioned, in the same manner, and subject to the like deductions, conditions, and provisions, as in the said last-mentioned Act are set forth and prescribed.

Mutual debts.

6 G. 4, c. 16.

XXXVII. And be it further enacted, that when any petition shall have been presented under this Act to any of the said Courts for the relief of insolvent debtors, either by an insolvent or by any creditor or creditors of such insolvent, it shall be lawful for any person or persons to whom such insolvent shall be indebted, at any time before or after the discharge of such insolvent, to make claim upon the estate of such insolvent, and to prove his or their debt or debts, whether due by such insolvent solely, or jointly with any other person or persons, and shall be entitled to and receive a dividend thereon rateably with the other creditors of the said insolvent, although the name of such creditor may have been wholly omitted by the said insolvent in his or her schedule, or may have been inserted for a smaller amount

Creditors may claim, although omitted from schedule, &c.

than the debt really due to such person; and in the case of an adjudication of an act of insolvency under this Act, then although no schedule shall have been filed by such insolvent, and where any objection to the existence or amount of such debt so claimed shall be made by such insolvent or any creditor, such Court shall hear the same, and make such order thereon as may seem meet and just.

Order of Court upon the hearing.

XXXVIII. And be it further enacted, that upon the hearing of any such petition it shall be lawful for the Court to adjudge that the insolvent is entitled to the benefit of this Act, and to order his immediate discharge from custody accordingly, or to dismiss or amend the petition, or to order the insolvent or insolvents to amend his, her, or their schedule or schedules, or to adjourn the further hearing of the petition until a future day, or to make a reference to the examiner or other proper officer of the Court, to make inquiry into any matter of account, or into the truth of the schedule or schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the insolvent or insolvents to prison until the further hearing of the petition, or until final order be made in the matter thereof, or to commit the insolvent or insolvents to custody for any debt or debts, if he, she, or they shall not be in custody at the time of the hearing, and to cancel or renew any such certificate as is herein-before mentioned, which may have been given for the purpose of protecting the insolvent or insolvents from arrest, or to make any fresh order for protecting the insolvent or insolvents from arrest until final order shall be made in the matter of the petition before the Court, and to order and direct that the assignee or assignees shall make some reasonable allowance for maintenance until such final order, the amount of which shall be fixed by the Court, and shall not exceed five sicca rupees per week: provided always, that in case of the Court dismissing any petition, the acts previously done by the assignee or assignees, or any person or persons acting under his or their authority, in pursuance of this Act, shall be valid; but in such case the Court shall make such order for re-assigning and re-delivery to the insolvent the residue of his or her estate and effects, as the case shall require, whereupon the same shall be re-vested in such insolvent accordingly.

Public notice shall be given of the order.

XXXIX. And be it further enacted, that the Court by which any order shall be made upon any such hearing as is herein-before mentioned shall also order that the assignee or assignees shall give such notice of such order having been made as to the Court shall seem fit and convenient.

Discharge may extend to sums payable by way of annuity.

XL. And be it further enacted, that the discharge of any such insolvent so adjudicated as aforesaid shall and may extend to any sum and sums of money which shall be payable by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant, or other security whatsoever; and that every person and persons who would be a creditor or creditors of such insolvent for such sum or sums of money, if the same were presently due, shall be admissible as a creditor or creditors of such insolvent for the value of such sum or sums of money so payable as aforesaid; which value the said Court shall, upon application at any time made in that behalf, ascertain, regard being had to the original price given for such sum or sums of money, deducting therefrom such diminution in the value thereof as shall have been caused by the lapse of time since the grant thereof to the time of filing such insolvent's petition; and such creditor or creditors shall be entitled, in respect of such value, to the benefit of all the provisions made for creditors by this Act, without prejudice nevertheless to the respective securities of such creditor or creditors, excepting as respects such insolvent's discharge under this Act.

Any actions which may have been brought upon claims admitted in the schedule shall be discontinued.

XLI. And be it further enacted, that if at the time of any such hearing and order any suit or action shall be pending against the insolvent or insolvents in any Court within the British territories in the East-Indies, or for any debt, claim, obligation, or demand admitted in the schedule of the insolvent or insolvents, or disputed as to amount only, every plaintiff in such suit or action shall discontinue the same, and shall pay all costs incurred, subsequent to his having notice of such hearing and order; and in case of such discontinuance, the insolvent or insolvents shall not by virtue of any supersedeas, nonsuit, or judgment as in case of nonsuit in any such suit or action, be relieved from the debt, claim, obligation, or demand for which it shall have been brought, or entitled to claim from the plaintiff or plaintiffs any of the costs of any such suit or action incurred before the plaintiff or plaintiffs had notice of the hearing and order aforesaid.

Assignees may seize the property of the petitioners.

XLII. And be it further enacted, that every such assignee as aforesaid shall, with all convenient speed, take possession, by himself, or by means of messengers of the Court, or by other fit and proper persons, of all the real and personal estate and effects of the insolvent of which immediate possession may be obtained, and shall use his or her best endeavours to seize, obtain, recover, and reduce into possession as speedily as possible the rest of such estate and effects, and all debts, claims, and choses in action which by such assignment he shall have been empowered to obtain, recover, and get in.

The Court may sell the reputed property of the petitioner.

XLIII. And be it further enacted, that if any such insolvent or insolvents as are beforementioned, at the time of filing his, her, or their petition, or at the time of any such adjudication of an act of insolvency as aforesaid, shall, by the consent and permission of the true owner thereof, have in his, her, or their possession, order, or disposition, any goods or chattels whereof he, she, or they is or are reputed owner, or of which he, she, or they have undertaken the sale, alteration, or disposition, as owner, the Court in which the petition shall have been filed, or by which such adjudication shall have been pronounced, shall have power to sell and dispose of the same for the benefit of the creditors of such insolvent or insolvents; provided that nothing herein contained shall invalidate or affect any transfer or assignment of any ship or vessel, or any share thereof, made as a security for any debt or debts, either by way of mortgage or assignment, according to the provisions of an Act of Parliament made in the sixth year of the reign of his present Majesty, and intituled, "An Act for the registering of British Vessels."

Assignees may redeem any property of the petitioner.

XLIV. And be it further enacted, that if any insolvent or insolvents shall have mortgaged, pledged, pawned, or deposited any real or personal estate, or any effects, deeds or written instruments, with a reservation to himself, herself, or themselves of a power of redeeming the same, his, her, or their assignee or assignees shall have the same right and power of redemption as the insolvent or insolvents would have had if the assignment had not been made.

Where a petitioner is beneficially entitled to stock, Court may order transfer thereof.

XLV. And be it enacted, that if any insolvent or insolvents shall, at the time of filing his, her, or their petition for relief in any such Court for the Relief of Insolvent Debtors, or at the time of any such adjudication of an act of insolvency as aforesaid, or at any time before he or she shall have become entitled to his or her final discharge according to this Act, have any government stock, funds, or annuities, or any of the stock of any public company either in England, Scotland, or Ireland, standing in his, her, or their own name or names, in his, her, or their own right, it shall be lawful for such Court, whenever it shall deem fit

so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name or names of such assignee or assignees as aforesaid, and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order: provided always, that in all transfers into the name or names of any such assignee or assignees, the transferee or transferees shall be described as assignee or assignees of the estate and effects of the insolvent; and no dividend shall be payable to, nor any future transfer made by, any person of any such stock, funds, or annuities, except under a power of attorney in the usual form required for the receipt of dividends upon or transfer of such stock, funds, and annuities respectively, duly executed by such assignee or assignees, and attested by two credible witnesses, one of whom shall be an officer of such Court for Relief of Insolvent Debtors, and to which attestation the seal of such Court shall be affixed.

Assignees may make composition for the rights and dues of the petitioners.

XLVI. And be it further enacted, that after the hearing of any such petition and schedule as herein-before mentioned, it shall be lawful for the assignee or assignees, by and with the approbation of such Court, and by and with the consent of any creditors whose claims after such hearing shall appear to amount to more than half of all the debts due from the insolvent to persons resident within the British territories in the East-Indies, to take such reasonable part of any debts due to the petitioner or petitioners, as may by composition be gotten, in full discharge of such debts, and to submit to arbitration any difference or dispute between the assignee or assignees, and any other person or persons, for or on account or by reason of anything relating to the estate and effects of such prisoner.

Assignees may prosecute and defend actions at law and suits in equity, with the approbation of the Court and consent of creditors.

XLVII. And be it further enacted, that it shall be lawful for the assignee or assignees, by and with the like approbation and consent, to commence and prosecute or defend any suits or actions at law or in equity which the insolvent or insolvents might have commenced and prosecuted or defended, and to defray the costs to which he or they may be put in respect of such suits or actions out of the proceeds of the estate and effects of the insolvent or insolvents; and if there be any partner or partners of the insolvent or insolvents who hath not or have not joined in the petition, it shall be lawful for the Court to authorize the assignee or assignees to join such partner or partners with himself or themselves as plaintiffs in such suit or action; and if such partner or partners shall execute any release of the debt or demand for which such suit or action is brought, the release shall be void; provided always, that such partner or partners, if he, she, or they shall take no part in the prosecution or defence of such suit or action, shall not be liable to pay costs in respect of the same.

Assignees may execute powers vested in insolvent.

XLVIII. And be it further enacted, that all powers vested in any such insolvent or insolvents as afore-mentioned, which he, she, or they might lawfully execute, for his, her, or their benefit, might be executed by his, her, or their assignees, for the benefit of his, her, or their creditors.

Assignees shall sell the property, unless the Court direct otherwise.

XLIX. And be it further enacted, that from time to time as possession is obtained of any of the estate or effects of any insolvent or insolvents, the assignee or assignees shall with all convenient speed make sale of the same; subject nevertheless to the direction and control of the Court by authority of which he or they shall have been appointed, in case any application shall be made to such Court by any insolvent, or any creditor or mortgagee, in all which cases such Court shall have full power and authority to delay or postpone the sale of any property, and to make such other order regulating the same as to such Court shall seem meet.

Court may defer the sale of property, if it shall think proper.

L. And whereas the insolvents may be entitled to annuities for their own lives, or other uncertain interests, or to reversionary or contingent interests, or may have made advances of money for the cultivation of lands, or may be interested in property in other ways, in which the immediate sale thereof for payment of their debts may be very prejudicial to them and to their creditors, and it may be proper in some cases to defer the sale of such property, and to put it under temporary management, or to authorize the raising of money by way of mortgage for payment of the debts or part of the debts of an insolvent, and for defraying the expenses attending the execution of this Act, instead of selling for such purpose; be it enacted, that in all such cases it shall be lawful for the said Courts for Relief of Insolvent Debtors at any time to take into consideration all circumstances affecting any property of the prisoner which shall have been assigned under the provisions of this Act; and if it shall appear to any such Court that it would be reasonable to make any special order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said property as it may be expedient not to sell immediately, according to the provisions of this Act, shall not be so sold, and from time to time to order and direct in what manner such property shall be managed, for the benefit of the creditors of such insolvent, until the same can be properly sold, or until payment of such creditors be effected, according to the provisions of this Act, and to make such order touching the sale or disposition of such property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such terms and conditions, with respect to the allowance of interest on debts not bearing interest, or other circumstances, as to such Court shall seem just; and if it shall appear that the debts of any such insolvent or insolvents can be discharged by means of money raised by way of mortgage on any of the said property of the said insolvent or insolvents, instead of raising the same by sale, it shall be lawful for the said Court so to order, and to give all necessary directions for such purpose, and generally to direct all things which may be proper for the discharge of the debts of such insolvent or insolvents, as may be most consistent with the interest of such petitioner or petitioners, and of his, her, or their creditor or creditors.

Assignees to render accounts to the Court.

LI. And be it further enacted, that the assignee or assignees of all such insolvents as are herein-before mentioned shall keep accounts of the property, debts, and credits of such insolvents, whether belonging or due to or from such insolvents solely, or jointly with any other person or persons, wherein they shall enter all property of the insolvents received by them, and all payments made by them; which accounts any creditors may inspect at all seasonable times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors at all times to summon the assignees before them, and require them to produce all books, papers, deeds, writings, and other documents in their possession, which in any way relate to the petition of the insolvent or insolvents; and if such assignee or assignees so summoned shall not come before such Courts respectively at the time appointed, or shall not bring with him or them such documents as are afore-mentioned, it shall be lawful for such Courts respectively to issue attachments, and to cause such assignee and assignees to be brought before them, and to commit such assignee or assignees to prison until he or they shall submit to the Court by which he or they shall have been summoned.

Court shall declare dividends.

LII. And be it further enacted, that whenever it shall appear by the accounts of any assignee or assignees that a dividend may be beneficially made amongst the creditors, it shall be lawful for any Court for the Relief of Insolvent Debtors to summon before it the assignee or assignees, and to direct that such public notice as to the Court may seem meet shall be given of a further hearing of the petition on a day certain, for the purpose of making a divi-

dend; and on the day so fixed the insolvent or insolvents, and assignee or assignees, and any creditors who shall be willing to do so, shall attend the Court, and all objections to the schedule of the insolvent or insolvents, and to the accounts or conduct of the assignees, and any claims of any creditors which shall not have been previously determined, shall be then heard and determined, either by such Court immediately, or upon a reference to the examiner or other proper officer of such Court; and it shall be lawful for such Court to examine the insolvent or insolvents, assignees, and any witnesses, on oath, and either at that time to declare a dividend, and to direct that the same shall be paid by the assignee or assignees, or to postpone such declaration and direction of the same until a further hearing, and to make such order in the matter of the petition, and respecting the same, as shall be most conducive to the attainment of the benefit intended by the several provisions of this Act.

No dividend to joint creditors from separate estate until separate creditors paid in full, nor *é converso*.

LIII. Provided always, and be it enacted, that it shall not be lawful for such Court to order any dividend to be made amongst the joint creditors out of the separate estate, until the separate creditors shall have been paid in full, nor to order any dividend to be made to the separate creditors out of the joint estate, until all the joint creditors shall have been paid in full; in which latter case it shall be lawful for such Court to order such dividend to be made among the separate creditors, out of such interest in the joint estate, as such insolvent shall appear to be separately entitled to.

A certain part of an insolvent's property to be reserved for a limited time.

LIV. Provided always, and be it further enacted, that unless it shall appear, upon reasonable proof to be made to the satisfaction of such Court for the Relief of Insolvent Debtors, and be so certified by such Court, that all the property of the insolvent is situate, and all the debtors and creditors resident, within the limits of the Charter of the said United Company, then, until the expiration of twelve calendar months from the notice in the *London Gazette* of the petition of any insolvent, as herein-before mentioned, the assignee or assignees appointed by such Court shall reserve the full amount of one-third part of the property of the said insolvent collected in and received by such assignee or assignees, and shall make a dividend among the creditors of the said insolvent to the amount of the remaining two-third parts only, which third part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such way as such Court shall order, and shall not remain in the hands of such assignee or assignees; and at the expiration of the said term of twelve calendar months, it shall be lawful for the assignee or assignees of such insolvent to apply to such Court for a return of the said third part so reserved as aforesaid, in order that the same may be so distributed among the creditors as to place them all upon an equal footing; and upon such third part so reserved as aforesaid being restored to such assignee or assignees, such assignee or assignees shall forthwith proceed to take an account of the debts of the said insolvent, and of the sum or sums which shall or may have been paid by way of dividend to any of such creditors, and shall distribute the fund then in the hands of such assignee or assignees, so as to place all the creditors of the said insolvent, whether Indian or British, upon a just and equal footing, and so as that every creditor shall receive a rateable and proportionable part of the assets of the said insolvent, according to the amount of his debt, and whether such debt be inserted or omitted in the schedule, or whether the same shall have been rightly inserted or not, and without reference to the time at which such debt shall have been claimed.

Court to direct what is to be done with the money of absent creditors.

LV. And be it further enacted, that if any creditor whose claim shall have been established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his attorney or agent, at the making of any dividend, nor shall make application to receive his, her, or

their share thereof, the assignee or assignees shall certify the same to such Court at its first sitting after the making of the dividend; and it shall be lawful for the Court to direct in what manner, and by whom, and upon what conditions, the money so due to such creditor or creditors shall be kept for or paid to him, her, or them, or to his, her, or their lawful constituted attorney.

Assignees to make compensation to the petitioners or their creditors, for any losses which may be occasioned by their misconduct.

LVI. And be it further enacted, that if any assignee or assignees shall neglect to account, or to pay any difference which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect his or their duty as assignee or assignees, it shall be lawful for such Court to summon such assignee or assignees, and to inquire into such neglect; and if such Court shall be of opinion that the insolvent or insolvents, or his, her, or their creditors, have suffered any injury by the fault of the assignee or assignees, it shall be lawful for such Court to order the assignee or assignees to make such compensation for the same as to such Court shall seem fit; and in default of the assignee or assignees obeying the summons of such Court, or making such compensation as shall be ordered by such Court, it shall be lawful for such Court to commit the assignee or assignees who shall have so offended to the common gaol, there to remain without bail until he or they shall obey the order of such Court; or to levy, by distress and sale of the offender's goods, so much as shall be sufficient to make the compensation which shall have been ordered by such Court.

In certain cases, discharge to be at any period not later than three years from petitioning.

LVII. And be it further enacted, that in case it shall appear to any Court for the Relief of Insolvent Debtors, that any such insolvent has fraudulently, with intent to conceal the state of his or her affairs, or to defeat the objects of this Act, destroyed, or otherwise wilfully prevented or purposely withheld the production of any book, paper, or writing relating to such of his or her affairs as are subject to investigation under this Act; or kept or cause to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified, any such book, paper, or writing; or that such insolvent has fraudulently, with intent of diminishing the sum to be divided among his or her creditors, or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said insolvent; or made away with, charged, mortgaged, or concealed any part of his or her property, of what kind soever; then it shall and may be lawful for such Court to adjudge that such insolvent shall be so discharged, and so entitled as aforesaid, so soon as he or she shall have been in custody, at the suit of some one or more of the persons as to whose debts and claims such discharge is so adjudicated, for such period or periods, not exceeding three years in the whole, as such Court shall direct, to be computed from the date of his or her petition.

In other cases, discharge to be at any period not later than two years from petitioning.

LVIII. And be it further enacted, that in case it shall appear to any such Court that such insolvent shall have contracted any of the debts fraudulently, or by means of breach of trust, or by means of false pretences, or without having any reasonable or probable expectation, at the time when contracted, of paying the same; or shall have put any of his or her creditors to any unnecessary expense, by any vexatious or frivolous defence or delay to any suit for recovering any debt or any sum of money due from such insolvent; or shall be indebted for damages recovered in any action for criminal conversation with the wife or for seducing the daughter or servant of the plaintiff in such action, or for breach of promise of marriage made to the plaintiff in such action, or for damages recovered in any action for a malicious prosecution, or for a libel. or for slander, or in any other action for a malicious injury, done to the plaintiff therein, or in any action of tort or trespass to the person or property of the plaintiff therein, wherein it shall appear, to the satisfaction of such Court,

that the injury complained of was malicious; then it shall and may be lawful for such Court to adjudge that such insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to such debts, sum or sums of money, or damages as above mentioned; and as to such debt or debts, sum or sums of money, or damages, to adjudge that such insolvent shall be so discharged and so entitled as aforesaid as soon as he or she shall have been in custody, at the suit of the person or persons who shall be creditor or creditors for the same respectively, for a period or periods not exceeding two years in the whole, as such Court shall direct, to be computed as aforesaid.

Court may order costs in certain cases to be paid to creditors out of insolvent's estate.

LIX. And be it further enacted, that whenever any creditor or creditors opposing such insolvent's discharge shall prove, to the satisfaction of any such Court, that such insolvent has done or committed any act for which upon such adjudication as aforesaid he or she may be liable to remain in such custody as aforesaid for a period not exceeding three years, to be computed as aforesaid, such Court shall adjudge the taxed costs of such opposition to be paid to such opposing creditor or creditors, out of the estate and effects of such prisoner, by his or her assignee or assignees, before any dividend made thereof: and in all other cases of opposition to an insolvent's discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like manner, if it shall seem fit; and that in case it shall appear to such Court that the opposition of any creditor to any such insolvent's discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such costs to such insolvent as shall appear to be just and reasonable, to be paid by the creditor or creditors making such opposition, which shall be paid accordingly.

Costs in cases of frivolous opposition.

Court to make order pursuant to adjudication, and issue warrant.

LX. And be it enacted, that where, in the matter of any such petition heard before any such Court, any adjudication shall have been made by such Court for discharge of any insolvent, order shall be made accordingly by the said Court in pursuance of such adjudication, and such Court shall also issue a warrant or warrants to the gaoler accordingly, ordering the discharge of such insolvent from custody as to the detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of custody, the same being for debts in respect of which such adjudication shall have been made; and that every such order of adjudication shall take effect as from the day on which the adjudication shall have been made in that behalf; and that every such adjudication, and certificate thereof, and order thereupon, may be made without specifying therein any such debt or debts, or sum or sums of money, or claims as aforesaid, or naming therein any such creditor or creditors as aforesaid, excepting so far as shall be necessary in any case in order to distinguish between the creditors as to whom any such insolvent may be adjudged to be so discharged and entitled as aforesaid forthwith, and the creditors as to whom he or she may be adjudged to be so discharged and entitled at some future period: provided nevertheless, that in all cases the detainer or detainers with respect to which any such insolvent shall have been adjudged to be discharged out of custody, he or she being then in custody thereupon, shall be specified in the warrant of such Court to be delivered to the gaoler in that behalf.

Proviso.

Adjudication and order to be final, unless obtained on false evidence, &c. in which case Court may order a rehearing

LXI. And be it further enacted, that every such adjudication for discharge of any insolvent as aforesaid by any such Court as aforesaid, and the order thereupon, so made as aforesaid, except in cases of appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient cause to believe that such adjudication has been made on false evidence, or otherwise improperly made or fraudulently obtained, in which case it shall and may be lawful for such Court, upon the application

of such insolvent, or of any creditor of such insolvent, to order such insolvent, upon due notice, to be given to such persons and in such manner as the said Court shall direct, to attend or to be brought up, and the said matter to be reheard before the said Court, who shall thereupon rehear the same, and shall and may, if just cause shall appear, annul the original adjudication and order thereupon made in such case, and shall have the same powers and authorities upon such rehearing as upon any original hearing in pursuance of this Act, and may adjudicate in such matter accordingly; and thereupon, in case the former adjudication in the said matter shall not be confirmed, such order, certificate, and warrant shall be made as required by this Act to be made upon such original adjudication; and the said Court shall and may, if necessary, remand the said insolvent to the same custody in which he or she was at the time of the former hearing, there to be subject to imprisonment as if the former adjudication therein had not been made; and thereupon all detainers which were in force against such insolvent at the time of his or her former discharge from custody shall be deemed to be still in force against him or her, as if such former adjudication had not been made; and the gaoler and keeper of the prison to which such insolvent shall be so remanded shall and is hereby required to receive such insolvent into his custody, in pursuance of such remand, for doing which the order of remand in such case shall be his sufficient warrant; and where in any case such insolvent shall refuse or neglect to appear before such Court, according to such order for rehearing as aforesaid, a copy whereof shall have been duly served on such insolvent, it shall and may be lawful for such Court to order such insolvent to be apprehended, and committed to custody to such prison, and to issue its warrant accordingly, and to cause such insolvent to be brought up for examination as often as to such Court shall seem fit: provided always, that where upon such rehearing it shall appear to such Court that such insolvent is not entitled to the benefit of this Act until some future period, according to the provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the discharge of such insolvent at such future period, to be calculated without including the time during which such insolvent shall have been out of custody since the time appointed for his or her discharge by such former adjudication as aforesaid.

Insolvent may, after discharge, be examined as to the estate and effects, on application of the assignee.

LXII. And whereas the estate, both real and personal, of any person whose discharge has been adjudicated under this Act, may not be sufficiently described or discovered in his or her schedule so sworn to as aforesaid, or the assistance of such person may be necessary to adjudge, make out, recover, or manage his or her estate and effects, for the benefit of his or her creditors; be it therefore enacted, that it shall and may be lawful to and for the assignee or assignees of the estate and effects of any such person whose discharge shall have been adjudicated under this Act, in case such person shall, upon application to him or her for that purpose, have refused or neglected to give the necessary information, from time to time to apply to the Court by which any such adjudication shall have been pronounced, that such person may be further examined as to any matters or things relating to his or her estate and effects by such Court; and thereupon, and also in case such person shall neglect or refuse to appear before such Court at such time and place as shall be directed by such order, or appearing shall refuse to be sworn, or to answer such questions as shall be put to him or her relating to the discovery of his or her said estate and effects, then and in any of such cases it shall be lawful for such Court, by warrant, to commit such person to gaol, there to remain without bail or mainprize until such time as he or she shall submit himself or herself to the order of such Court in that behalf, and shall answer upon oath or otherwise, as shall be required, to all such lawful questions as shall be put to him or her, in pursuance of the same, for the purposes aforesaid.

Court may, in certain cases, discharge the insolvent from all liability in respect of the debts specified.

LXIII. And be it further enacted, that whenever it shall be made to appear to the satisfaction of any Court for Relief of Insolvent Debtors, upon the application of any insolvent, his assignee or assignees, or any of his or her creditors, that the estate of such insolvent debtor which shall have come to the hands of the assignee or assignees shall have produced sufficient to pay and discharge three-fourths of the amount of the debts which shall have been established in such Court, or that creditors to the amount of more than one-half in number and value of the debts which shall have been so established shall signify their consent in writing thereto, it shall be lawful for such Court to inquire into the conduct of the said insolvent; and if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his or her creditors, such Court shall be fully authorized and empowered thereupon to order that the said insolvent shall be for ever discharged from all liability whatsoever for or in respect of such debts so established as aforesaid; and such Court shall, in the order to be drawn up, specify and set forth the names of such creditors; and after any such order shall have been so made, no further proceedings shall be had in the matter of the petition before the Court, unless upon appeal made to the Supreme Court of Judicature of the presidency where such Court for the Relief of Insolvent Debtors shall be holden, as hereby authorized: provided always, that no such order as last aforesaid shall prevent any creditor who shall not have been resident within the limits of the Charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, and who shall not have taken part in any of the proceedings under the said petition, from bringing any suit or action in the East-Indies, for the purpose of obtaining execution against the goods, estate, or effects of such insolvent, for any unsatisfied claim of such creditor, nor from bringing any suit or action for such claim in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere without the limits of the said United Company's Charter, against such insolvent, in the same manner, and with the like consequences and effects, as if such order as last-mentioned had not been made.

Order of discharge not to affect creditors residing out of the limits at the time.

Remedy for unlawful proceedings against petitioner after final order.

LXIV. And be it further enacted, that if after the making of any such order as last aforesaid any insolvent shall, contrary to the tenor of the same, and to the true intent and meaning of this Act, be sued in any Court whatsoever, it shall be lawful for such person to plead such order, and to give an office copy thereof in evidence; and if such person shall thereupon obtain a verdict or decree in his or her favour, or if the bill shall be dismissed for want of prosecution, or there shall be judgment of nonsuit, the defendant or defendants shall also be adjudged to have treble costs.

Where adjudication of discharge at a future period, the petitioner may be arrested, &c. till period arrives.

LXV. Provided always, and be it enacted, that in all cases where it shall have been adjudged that any such insolvent shall be so discharged and be entitled as aforesaid at some future period, such insolvent shall be subject and liable to be detained in prison, and to be arrested and charged in custody, at the suit of any one or more of his creditors with respect to whom it shall have been so adjudged, at any time before such period shall have arrived, in the same manner as he or she would have been subject and liable thereto if this Act had not passed: provided nevertheless, that when such period shall have arrived such insolvent shall be entitled to the benefit and protection of this Act, notwithstanding that he or she may have been out of actual custody during all or any part of the time subsequent to such adjudication, by reason of such prisoner not having been arrested or detained during such time or any part thereof.

Court may order detaining creditor to pay prisoner a sum not

LXVI. And be it further enacted, that in all cases where such insolvent shall, upon such adjudication as aforesaid, be liable to further imprisonment at the suit of his or her creditor

or creditors, or any or either of them, it shall be lawful at any time for the Court by which such adjudication shall be pronounced, on the application of such insolvent, to order such creditor or creditors at whose suit he or she shall be so imprisoned to pay to such insolvent such sum or sums of money, not exceeding the rate of five sicca rupees by the week in the whole, at such times, and in such manner, and in such proportions as such Court shall direct; and that, on failure of payment thereof, as directed by such Court, such Court shall order such insolvent to be forthwith discharged from custody at the suit of the creditor or creditors so failing to pay the same.

exceeding five sicca rupees per week.

LXVII. And be it further enacted, that if any married woman, being a prisoner, or in insolvent circumstances, within the intent and meaning of this Act, shall petition to be discharged for any debt or debts under the provisions of the same, it shall be lawful for any Court for the Relief of Insolvent Debtors to which such petition shall be presented to receive the same, without requiring such married woman to execute such conveyance or assignment as may be lawfully required for other petitioners according to the provisions of this Act, but instead thereof such Court shall require such married woman to execute a conveyance and assignment for vesting in an assignee or assignees appointed by such Court, all property, real and personal, to which she may be entitled for her separate use, whether in possession, remainder, reversion, or expectancy, or over which she shall have any power of disposition, notwithstanding her coverture, or which shall be vested in any trustee or trustees, or other person or persons, for her benefit, and to deliver up all personal estate and effects of which she shall have the actual possession, except such as she may be permitted by such Court to retain, subject only to such right, title, or interest as her husband may have in the aforesaid real and personal property; all which acts she is hereby empowered to do without her husband, notwithstanding her coverture, so nevertheless as not to prejudice any right of her husband in such real and personal estate and effects respectively; and all such estate and effects, real and personal, in possession, reversion, or remainder, shall, by such conveyance and assignment so to be executed under the order of such Court, be as effectually vested in the assignee or assignees as the same might have been vested in such assignee or assignees by the conveyance or assignment of such woman if she had been sole and unmarried, subject only to the rights of her husband therein as aforesaid; and all provision in this Act contained, touching the real and personal estate of any petitioner or petitioners seeking to be relieved under the authority of the same, shall apply to such real and personal estate and effects of such married woman, in the same manner as the same would apply to such personal estate.

Special provisions for insolvent married women.

LXVIII. And be it further enacted, that if any such prisoner for debt as aforesaid shall be or become of unsound mind, and be therefore incapable of taking the benefit of this Act, in such manner as he or she might have done if of sound mind, the goaler or keeper of the prison wherein the prisoner shall be shall give information thereof to the Court for the Relief of Insolvent Debtors of the presidency wherein such prison shall be situated, which Court shall thereupon issue a commission to some competent person or persons to inquire, examine, and report to such Court touching and respecting the state of the prisoner's mind; and such Court may either confirm or set aside the report of such commissioner or commissioners, and may, if it think fit, make further inquiry by examination of witnesses upon oath; and if such Court shall conclude that the prisoner is of unsound mind, it shall be lawful for such Court, at the instance of any person or persons on behalf of such prisoner, to order notice to be twice inserted in the *Gazette* of such presidency, and in such notice to specify and direct

Insolvent lunatics.

that application will be made to such Court for the discharge of such prisoner on a day to be specified in such notice, being twenty days at least from the first time of publication of such notice; which notice, together with service of the notice on the creditor or creditors at whose suit such prisoner shall be detained in custody, or his, her, or their attorney, shall be deemed sufficient to authorize such Court to proceed to the discharge of such prisoner, and such Court shall proceed accordingly, and discharge such prisoner: provided always, that all and every estate, right, title, interest in law and equity, real and personal, power, benefit, and emolument whatsoever, which if such prisoner were of sound mind could and ought to be assigned by such prisoner pursuant to the provisions of this Act, shall, by force and virtue of the order for the discharge of such prisoner, be vested in the common or other assignee or assignees appointed by such Court, as fully and effectually, and in the same manner, and with all and every the same consequence and effect, both in fact and law, as if such prisoner had been of sound mind, and had duly conveyed the same to such common or other assignee at the time and in the manner in this Act provided.

Warrants of attorney and cognovits shall be void, unless filed in six weeks after execution.

LXIX. And be it further enacted, that after the time appointed for this Act to take effect, every warrant of attorney to confess judgment in any personal action, in any of his Majesty's Courts of Record within the British territories under the government of the said United Company, and every cognovit actionem given by any defendant in any personal action which shall be pending in any of the said Courts, shall, within six weeks after the execution of such warrant or cognovit, be filed, together with an affidavit of the time of the execution thereof, with the prothonotary or other proper officer of the Court in which the judgment is confessed or the action is pending; and every such warrant of attorney and cognovit actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null and void, to all intents and purposes; and if any warrant or cognovit which shall be so filed as aforesaid shall have been given subject to any defeazance or condition, such defeazance or condition shall be written on the same paper or parchment on which such warrant or cognovit shall be written, before the time when it shall be filed, otherwise such warrant or cognovit shall be null or void to all intents and purposes.

Prothonotary, &c. to keep books for the registry of warrants and cognovits.

3 G. 4, c. 39.

LXX. And be it further enacted, that the prothonotary or other proper officer of his Majesty's Court of Record within the British territories under the government of the said United Company shall cause every warrant of attorney and cognovit actionem in any personal action, filed in his office, to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of all such warrants and cognovits, according to the form of a schedule annexed to an Act passed in the third year of his present Majesty, intituled, "An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment;" which book or books, and every warrant of attorney and cognovit actionem filed as aforesaid, shall be searched and viewed at all times, upon payment of the fees lawfully established.

Court may order memorandum of satisfaction to be indorsed.

LXXI. And be it further enacted, that it shall be lawful for the Court in which any such warrant or cognovit is filed to order a memorandum of satisfaction to be written upon any such warrant or cognovit, if it shall appear to such Court that the debt for which such warrant or cognovit was given as a security shall have been satisfied or discharged.

Penalty for perjury.

LXXII. And be it further enacted, that if any person, in any proceeding, examination, affidavit, or affirmation had or taken under this Act, shall wilfully and corruptly swear or

affirm falsely, it shall be lawful for any Court before which any such person shall be convicted of any such offence by due course of law, to order and adjudge such person, if convicted in the said United Kingdom, to be transported for any term not exceeding seven years, or if convicted in the East-Indies, to be transported to such place and for such term as the Court shall direct, or in either case to order and adjudge that such person shall be imprisoned and fined, or imprisoned or fined only, for such time, and to such amount, and in such manner, as the same Court shall direct.

Penalty for embezzlement or concealment of effects.

LXXIII. And be it further enacted, that if any insolvent or other person shall wilfully and fraudulently embezzle or conceal any part of the real and personal estate or effects of any insolvent or insolvents who shall have filed a petition for relief, or against whom any petition shall have been filed in any of the said Courts for the Relief of Insolvent Debtors, such person shall be guilty of a misdemeanor; and it shall be lawful for any Court before which any such person shall be convicted of any such offence by due course of law, to order and adjudge that such person shall be transported to such place and for such term of years as the said Court shall direct, or to order and adjudge that such person shall be imprisoned and fined, or imprisoned or fined only, for such time, and to such amount, and in such manner, as the same Court shall direct.

Application of fines imposed for the foregoing offences.

LXXIV. And be it further enacted, that whenever any person or persons shall have been ordered and adjudged, under the provisions of this Act, to pay any fine for any forgery, perjury, embezzlement, or concealment, and such fine shall have been paid, it shall be lawful for any assignee or assignees in whom the estate and effects of any insolvent or insolvents shall be duly vested, according to the provisions of this Act, to apply to the Court by which such fine shall have been imposed; and if it shall be proved to the satisfaction of the same Court that the creditors for whose benefit the said assignee or assignees shall hold in trust the said estate and effects have been defrauded, or have incurred loss, by means of such forgery, perjury, embezzlement, or concealment, the said Court by which the said fine shall have been imposed shall pay the same, after deducting the costs of prosecution, to the said assignee or assignees for the use and benefit of the said creditors: provided always, that if no such application shall be made by such assignee or assignees within one year after any such fine shall have been paid, it shall be lawful for the Court by which such fine shall have been imposed, to appropriate, apply, and pay over such fine to such uses, purposes, and persons, and in such manner as any other fine imposed by the same Court for any forgery, perjury, or other crime or misdemeanor may be lawfully appropriated, applied, and paid over.

Mode of taking affidavits.

LXXV. And be it enacted, that all affidavits and affirmations to be used before any Court for the Relief of Insolvent Debtors, or any officer of such Court, shall and may be sworn and affirmed before such Court, or any commissioner or other person appointed by such Court for that purpose, or any judge or commissioner for taking affidavits in any of his Majesty's Courts of Record within the limits of the said United Company's Charter, or before any master or master extraordinary in Chancery in England or Ireland, or any magistrate authorized to take affidavits or affirmations in Scotland.

No person having had the benefit of this Act shall have it again within five years, except in certain cases.

LXXVI. Provided always, and be it further enacted, that no person who shall have been at any time discharged by virtue of this Act shall again be entitled to the benefit thereof within the space of five years after such discharge, unless a majority in number and value of the creditors against whom such person shall seek to be discharged by virtue of this Act shall

signify his, her, or their assent to such discharge, or unless it shall be made to appear to the satisfaction of the Court for the Relief of Insolvent Debtors, to which application for such discharge shall be made, that such person has since his or her former discharge endeavoured by industry and frugality to pay all just demands upon him or her, and has incurred no unnecessary expence, and that the debts which such person has incurred subsequent to such former discharge have been necessarily incurred for the maintenance of such person, or his or her family, or that the insolvency of such person has arisen from misfortune, or from inability to acquire subsistence for himself or herself, and his or her family.

In actions under this Act the general issue may be pleaded.

LXXVII. And be it further enacted, that if any action of escape, or any other suit or action shall be brought against any magistrate or officer, or any other person for performing the duty of his office or appointment in pursuance of this Act, he or they may plead the general issue, and give this act in evidence; and if the plaintiff shall be nonsuited, or discontinue his or her action, or a verdict shall pass against him or her, or judgment shall be given for the defendant upon demurrer, the defendant shall have treble costs.

Officer of Court to produce proceedings, and give copies.

LXXVIII. And be it further enacted, that the proper officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable request of any such insolvent as aforesaid, or of any creditor or creditors of such insolvent, or his or their attorney, produce and shew to such insolvent, creditor or creditors, and his, her, or their attorney, at such times as such Courts respectively shall direct, every petition, schedule, order of adjudication, and all other orders and proceedings made and had relating to such insolvent, and all books, papers, and writings filed in such matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such insolvent, or creditor or creditors, or his, her, or their attorney requiring the same, a copy or copies of such petition and other proceedings, or of such part thereof as shall be required, receiving such fee as such Court shall appoint for so providing the same; and that a copy of such petition, schedule, order, and other orders and proceedings, purporting to be signed by the officer in whose custody the same shall be, or his deputy, certifying the same to be a true copy of such petition, schedule, order, or other proceeding, and sealed with the seal of the said Courts respectively, shall at all times be admitted in all Courts whatever, and before commissioners of bankrupt and justices of the peace, as sufficient evidence of the same, without any proof whatever given of the same, further than that the same is sealed with the seal of such Courts respectively as aforesaid.

Proceedings not liable to stamp duty, &c.

LXXIX. And be it further enacted, that no conveyance, assignment, letter of attorney, affidavit, certificate, or other proceeding, instrument, or writing whatsoever, before or under any order of any of such Courts for Relief of Insolvent Debtors, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court, relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any stamp or other duty whatsoever, and that no sale of any real or personal estate of any such insolvent as aforesaid, for the benefit of his or her creditors under this Act, shall be liable to any auction duty.

Courts may make rules for facilitating the relief hereby intended.

LXXX. And be it further enacted, that his Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay respectively, shall respectively have power to make all necessary and reasonable rules for facilitating and carrying into effect within their respective jurisdictions the relief intended to be given by this Act in cases for which sufficient provision has not been thereby made.

LXXXI. And be it further enacted, that this Act shall continue in force until the first day of March one thousand eight hundred and thirty-three.(1) Continuance of Act.

(1) [This Act was continued by 2 Wm. 4, cap. 43, till the 1st March 1836. The law was amended by 4 & 5 Wm. 4, cap. 79; and both the original and the amending Act further continued by 6 & 7 Wm. 4. cap. 47, till the 1st March 1839, and from thence till the end of the then next session of Parliament. See also Acts of Government of India, No. 4, of 1836, in Appendix.]

---

## 9 GEORGII IV. Cap. LXXIV.

AN ACT *for improving the Administration of Criminal Justice in the East-Indies.*

[25*th July* 1828.]

[In reference to parts of this Act see note at end.]

Whereas many wholesome alterations have lately been made in the criminal law of England, and the administration thereof, by authority of Parliament; and it is expedient that some of the said alterations should be extended to the British territories under the Government of the United Company of Merchants of England trading to the East-Indies; be it therefore enacted by the King's most Excellent Majesty, by and with the consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence and take effect on and from the first day of March one thousand eight hundred and twenty-nine, and shall extend to all persons and all places, as well on land as on the high seas, over whom or which the criminal jurisdiction of any of his Majesty's Courts of Justice erected or to be erected within the British territories under the government of the United Company of Merchants of England trading to the East-Indies does or shall hereafter extend.

From the 1st March 1829 this Act to take effect throughout the jurisdiction of the King's Courts in the East-Indies.

II. And be it enacted, that where any person shall be taken on a charge of felony or suspicion of felony before one or more justice or justices of the peace, and the charge shall be supported by positive and credible evidence of the fact, or by such evidence as if not explained or contradicted shall in the opinion of the justice or justices raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such justice or justices in the manner herein-after mentioned; but if there shall be only one justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt nor to warrant the dismissal of the charge, such justice shall order the person charged to be detained in custody until he or she shall be taken before two justices at the least; and where any person so taken, or any person in the first instance taken before two justices of the peace, shall be charged with felony or on suspicion of felony, and the evidence given in support of the charge shall in their opinion not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall in their opinion weaken the

Who may be admitted to bail on a charge of felony, and who may not.

presumption of his or her guilt, but there shall notwithstanding appear to them, in either of such cases, to be sufficient ground for judicial inquiry into his or her guilt, the person charged shall be admitted to bail by such two justices in the manner herein-after mentioned: provided always, that nothing herein contained shall be construed to require any such justice or justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him or them to be meet and conducive to the ends of justice to hear the same: provided also, that in all cases where any person or persons charged as aforesaid shall be brought before one justice, at any place beyond the local limits of the jurisdiction of any of his Majesty's Courts of Justice erected or to be erected within the British territories under the Government of the said United Company, it shall be lawful for such justice alone either to commit such person to prison or to admit him to bail as herein-before directed.

Before any person charged with felony, &c. shall be bailed or committed, the Justices shall take down in writing the examination, &c. and bind witnesses to appear at the trial.

III. And be it enacted, that the justice or justices of the peace, before he or they shall admit to bail or commit to prison any person arrested for felony or on suspicion of felony, shall take the examination of such person, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, and the two justices shall certify such bailment in writing; and every such justice shall have authority to bind by recognizance all such persons as know or declare any thing material touching any such felony or suspicion of felony, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or superior Criminal Court or Sessions of the Peace, at which the trial thereof is intended to be, then and there to prosecute or give evidence against the party accused; and such justices and justice respectively shall subscribe all such examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Examinations, &c. to be delivered to the Court.

Duty of Justices on charges of misdemeanor.

IV. And be it enacted, that every justice of the peace before whom any person shall be taken on a charge of misdemeanor, or suspicion thereof, shall take the examination of the person charged, and the information upon oath of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, before he shall commit to prison or require bail from the person so charged; and in every case of bailment shall certify the bailment in writing, and shall have authority to bind all persons by recognizance to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony; and shall subscribe all examinations, informations, bailments, and recognizances, and deliver or cause the same to be delivered to the proper officer of the Court in which the trial is to be, before or at the opening of the Court, in like manner as in cases of felony.

Duty of coroner.

V. And be it enacted, that every coroner, upon any inquisition before him taken, whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him or as much thereof as shall be material, and shall have authority to bind by recognizance all such persons as know or declare any thing material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or superior Criminal Court or Sessions, at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before

him taken, and shall deliver the same to the proper officer of the Court in which the trial is to be, before or at the opening of the Court.

Penalty on justices and coroners.

VI. And be it enacted, that if any justice or coroner shall offend in any thing contrary to the true intent and meaning of these provisions, the Court to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been delivered, shall upon examination and proof of the offence in a summary manner, set such fine upon every such justice or coroner as the Court shall think meet.

Accessory before the fact may be tried as such, or as a substantive felon, by any Court which has jurisdiction to try the principal felon, although the offence be committed on the seas or abroad.

VII. And for the more effectual prosecution of accessories before the fact to felony, be it enacted, that if any person shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law or by virtue of any statute or statutes made or to be made, the person so counselling, procuring, or commanding shall be deemed guilty of felony, and may be indicted and convicted either as an accessory before the fact to the principal felony, together with the principal felon, or after the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony if convicted as an accessory, may be punished; and the offence of the person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas, or at any place on land, whether within his Majesty's dominions or without; and that in case the principal felony, and the offence of counselling, procuring, or commanding, shall have been committed in different places, the last-mentioned offence may be inquired of, tried, determined and punished in any of his Majesty's Courts of justice within the British territories under the government of the said United Company, having jurisdiction to try either of the said offences; provided always, that no person who shall be once duly tried for any such offence, whether as an accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

If the offence be committed in different places, accessory may be tried in any of the King's Courts in India having jurisdiction.

Accessory after the fact may be tried by any Court which has jurisdiction to try the principal felon.

VIII. And be it enacted, that if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the offence of such person may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason whereof such person shall have become an accessory had been committed at the same place as the principal felony, although such act may have been committed either on the high seas or at any place on land, whether within his Majesty's dominions or without; and that in case the principal felony, and the act by reason whereof any person shall have become accessory, shall have been committed in different places, the offence of such accessory may be inquired of, tried, determined, and punished in any of his Majesty's Courts of justice within the British territories under the government of the said United Company, having jurisdiction to try either of the said offences: provided always, that no person who shall be once duly tried for any offence of being an accessory shall be liable to be again indicted or tried for the same offence.

If the offence be committed in different places, accessory may be tried in any Court having jurisdiction.

Accessory may be prosecuted after conviction of the princi-

IX. And be it enacted, that if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in

pal, though the principal be not attainted.

the same manner as if such principal felon had been attainted thereof, notwithstanding such principal felon shall die or be pardoned, or otherwise delivered before attainder; and every such accessory shall suffer the same punishment, if he or she be in anywise convicted, as he should have suffered if the principal had been attainted.

In indictments for offences committed on the property of partners, it may be laid in any one partner by name, and others.

X. And be it enacted, that in any indictment or information for any felony or misdemeanor wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another or others, as the case may be; and whenever in any indictment or information for any felony or misdemeanor it shall be necessary to mention, for any purpose whatsoever, any partners, joint-tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint-stock companies and trustees.

Indictment not to abate by dilatory plea of misnomer.

XI. And be it enacted, that no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied by affidavit or otherwise of the truth of such plea, but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

What defects shall not vitiate an indictment after verdict or otherwise.

XII. And be it enacted, that no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace;" nor for the insertion of the words "against the form of the statute" instead of the words "against the form of the statutes," or *vice versâ;* nor for that any person or persons mentioned in the indictment or information is or are designated by the name of office or other descriptive appellation instead of his, her, or their proper name or names; nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened; nor for want of a proper or perfect venue, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

What shall not be sufficient to stay or reverse judgment after the verdict.

XIII. And be it enacted, that no judgment after verdict, upon any indictment or information for any felony or misdemeanor, shall be stayed or reversed for want of a similiter, nor by reason that the jury process has been awarded to a wrong officer, or upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the sheriff or other officer; and that where the offence charged has been created by any statute, or subjected to a greater degree of punishment, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

XIV. And be it enacted, that if any person, being arraigned upon any indictment or inquisition for treason, felony, or piracy, shall plead thereto a plea of not guilty, he shall by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court shall in the usual manner order a jury for the trial of such person accordingly.

A plea of not guilty shall put the prisoner on his trial by jury.

XV. And be it enacted, that if any person, being arraigned upon or charged with any indictment, inquisition, or information for treason, felony, piracy, or misdemeanor, shall stand mute, or will not answer directly to such indictment, inquisition, or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of not guilty on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

If he refuse to plead, Court may order a plea of not guilty to be entered.

XVI. And be it enacted, that if any person arraigned upon any indictment or inquisition for any treason, felony, or piracy shall challenge peremptorily a greater number of the men returned to be of the jury than such person is entitled by law so to challenge in any of the said cases, every peremptory challenge beyond the number allowed by law in any of the said cases shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

Every challenge beyond the legal number shall be void.

XVII. And be it enacted, that no plea setting forth any attainder shall be pleaded in bar of any indictment, unless the offence stated in the plea be substantially the same offence as that charged in the indictment.

Attainder of another crime not pleadable.

XVIII. And be it enacted, that where any person shall be arraigned upon any indictment or inquisition for treason or felony, the jury impannelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

Jury not to inquire of prisoner's lands, &c.

XIX. And be it enacted, that benefit of clergy with respect to persons convicted of felony shall be abolished.

Benefit of clergy abolished.

XX. And be it enacted, that no person convicted of felony shall suffer death, unless it be for some felony which was excluded from the benefit of clergy before the day herein-before mentioned for this Act taking effect, or which shall be made punishable with death by this Act or by some statute to be passed hereafter.

What felonies only shall be capital.

XXI. And be it enacted, that every person convicted of any felony not punishable with death shall be punished in the manner prescribed by the statute or statutes specially relating to such felony; and that every person convicted of any felony for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be transported to such place as such Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

Felonies not capital to be punished under the Acts, if any, relating thereto, otherwise under this Act.

XXII. And be it enacted, that where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour,

The Court may order hard labour or solitary confinement as part of the sentence of imprisonment.

in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the Court in its discretion shall seem meet.

If a person under sentence for another crime is convicted of felony, the Court may pass a second sentence, to commence after the expiration of the first.

XXIII. And be it enacted, that wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence either of imprisonment or of transportation, the Court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate term of imprisonment or transportation respectively may exceed the term for which either of those punishments could be otherwise awarded.

Punishment for a subsequent felony.

XXIV. And be it enacted, that if any person shall be convicted of any felony not punishable with death, committed after a previous conviction for felony, such person shall on such subsequent conviction be liable, at the discretion of the Court, to be transported to such place as such Court shall direct, for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment; and in an indictment for any such felony committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of felony, without otherwise describing the previous felony; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, (for which certificate a fee of three sicca rupees, and no more, shall be demanded or taken,) shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any person other than such clerk, officer, or deputy, shall sign any such certificate as such clerk, officer, or deputy, or if any person shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

Form of indictment for the subsequent felony.

What will be sufficient proof of the first conviction.

Punishment for signing or uttering false certificate of conviction.

Admiralty offences.

XXV. And be it enacted, that all offences prosecuted in any of his Majesty's Courts of Admiralty shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offence had been committed upon the land.

Rule for interpreting all criminal statutes.

XXVI. And be it enacted, that wherever this or any other statute relating to any offence, whether punishable upon indictment or summary conviction, in describing or referring to the offence or the subject matter thereof, or the offender, or the party affected or intended to be affected by the offence, shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one

matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

Court may abstain from pronouncing sentence of death on persons convicted of any felonies, except murder.

XXVII. And be it enacted, that whenever any person shall be convicted of any felony, except murder, for which he shall by law be liable to suffer death, and the Court before which such offender shall be convicted shall be of opinion that the particular circumstances of the case do not require that judgment of death should be pronounced, but that such offender is a fit and proper subject either to be recommended to the royal mercy, or to be ordered to be transported under the authority of this Act, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer then being present in Court to require and ask, whereupon such officer shall require and ask, if such offender hath or knoweth any thing to say why judgment of death should not be recorded against such offender; and in case such offender shall not allege any matter or thing sufficient in law to arrest or bar such judgment, the Court shall and may and is hereby authorized to abstain from pronouncing judgment of death upon such offender, and instead of pronouncing such judgment, to order the same to be entered of record, and thereupon such proper officer as aforesaid shall and may and is hereby authorized to enter judgment of death on record against such offender in the usual and accustomed form, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open Court against such offender by the Court before which such offender shall have been convicted.

Record of judgment to have the same effect as if pronounced.

XXVIII. And be it further enacted, that a record of every such judgment so entered as aforesaid shall have the like effect to all intents and purposes, and be followed by all the same consequences, as if such judgment had actually been pronounced in open Court, and the offender had been reprieved by the Court.

Court may order capital offenders to be transported, instead of being left for execution.

XXIX. And be it enacted, that when any person shall be convicted of any felony for which judgment of death shall be pronounced or recorded against him, it shall and may be lawful for the Court, instead of leaving such judgment of death to be executed on such offender, to order such offender to be transported to such place as the Court shall direct, either for life or for such term of years as the Court shall order.

For performance of such orders of transportation.

Proviso for certain natives of India.

XXX. And be it enacted, that where any offender shall be ordered or sentenced to be transported by any Court, the Governor in Council of the Presidency, or other chief officer of the place where the conviction shall be had, shall and he is hereby required to take order for the due performance of such sentence of transportation accordingly: provided always, that it shall not be lawful for any such Court to order the transportation of any person, being a native of the East-Indies and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

Persons returning from transportation into the territories of the Company, &c.

XXXI. And be it enacted, that if any offender who shall be ordered by any Court to be transported for any term, of life or years, shall be found within any of the British territories within the limits of the said United Company's Charter, except the place to which he shall have been so ordered to be transported, or shall come into any part of this United Kingdom before the end of his term, and shall be convicted thereof, he shall be liable to be punished as a person attainted of felony, and to suffer death accordingly: provided nevertheless, that

His Majesty may extend his mercy to offenders.

nothing herein contained shall be construed or taken to prevent his Majesty from extending his royal mercy to any such offender, and allowing his return from such place of transportation.

The party whose name is forged shall be a competent witness in prosecutions for forgery.

XXXII. And be it enacted, that on any prosecution by indictment or information, either at common law or by virtue of any statute, against any person, for forging or counterfeiting any deed, writing, instrument, or other matter whatsoever, or for uttering any deed, writing, instrument, or other matter whatsoever, knowing the same to be forged or counterfeited, or for being accessory before or after the fact to any such offence, if the same be a felony, or for aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanor, no person shall be deemed to be an incompetent witness in support of any such prosecution, by reason of any interest which such person may have or be supposed to have in respect of such deed, writing, instrument, or other matter.

Effect of free or conditional pardon to a convict.

XXXIII. And be it declared and enacted, that where the King's Majesty shall be pleased to extend his royal mercy to any offender convicted of any felony punishable with death or otherwise, and by warrant under his sign manual, countersigned by one of his principal secretaries of state, shall grant to such offender either a free or a conditional pardon, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon under the great seal for such offender as to the felony for which such pardon shall be so granted: provided always, that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

Every punishment for felony, after it has been endured, shall have the effect of a pardon under the great seal.

XXXIV. And be it enacted, that where any offender hath been or shall be convicted of any felony, and hath endured or shall endure the punishment which hath been or shall be adjudged or ordered in respect thereof, the punishment so endured hath and shall have the like effects and consequences as a pardon under the great seal, as to the felony whereof the offender was so convicted: provided always, that nothing herein contained, nor the enduring of such punishment shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

No misdemeanor (except perjury) shall render a party an incompetent witness after punishment.

XXXV. And be it enacted, that where any offender hath been or shall be convicted of any misdemeanor which renders the parties convicted thereof incompetent witnesses, (except perjury or subornation of perjury,) and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be by reason of such misdemeanor an incompetent witness in any Court or proceeding, civil or criminal.

Affirmations of Quakers or Moravians, &c. to be admitted in all cases.

XXXVI. And be it enacted, that every Quaker or Moravian, who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following; that is to say, "I, *A.B.* do solemnly, sincerely, and truly declare and affirm;" and that every native of any country within the limits of the Charter of the said United Company, who may be required to give evidence in any case whatsoever, criminal or civil, and who shall object on the ground of any religious scruple to take an oath in the usual

form, may, at the discretion of the Court, be permitted to make his or her solemn affirmation or declaration in such manner and form as the Court shall deem sufficiently binding upon his or her conscience, which said affirmation or declaration shall be of the same force and effect in all Courts of justice and other places, where by law an oath is required, as if such Quaker, Moravian, or native had taken an oath in the usual form; and if any person making such affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are subject.

All persons to be sworn according to the forms of their respective religions.

XXXVII. And be it enacted, that all persons who by any laws are now required to take an oath upon the Holy Evangelists, or in any other manner, for the purpose of sitting or acting as members of any Court, civil or criminal, or for any other purpose whatsoever, may, instead thereof, be sworn according to the forms of their respective religions.

Aiders and abettors in felonies and misdemeanors against this Act.

XXXVIII. And be it enacted, that in case of any felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act, (except only a receiver of stolen property,) and an accessory after the fact to murder, shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Aiders and abettors in offences punishable on a summary conviction.

XXXIX. And be it enacted, that if any person shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, every such person shall, on conviction before a justice of the peace, be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

A person may be apprehended in the act of committing an offence.

A Justice, upon good grounds of suspicion, may grant a search warrant.

A person to whom property suspected to be stolen, &c. is offered, may seize the party offering.

XL. And be it enacted, that any person found committing any offence punishable either upon indictment or upon summary conviction by virtue of this Act, may be immediately apprehended without a warrant by any peace-officer, or by the party aggrieved, or by his servant, or any person authorized by him, and forthwith taken before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a justice of the peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever, on or with respect to which any such offence shall have been committed, the justice may grant a warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and if in his power is required, to apprehend and forthwith to carry before a justice

of the peace the party offering the same, together with such property, to be dealt with according to law.

Summary proceedings shall be commenced within three months.

XLI. And be it enacted, that the prosecution for every offence punishable on summary conviction under this Act shall be commenced within three calendar months after the commission of the offence, and not otherwise; and the evidence of the party aggrieved shall be admitted in proof of the offence.

Mode of compelling the appearance of persons punishable on summary conviction.

XLII. And be it enacted, that where any person shall be charged on the oath of a credible witness, before any justice of the peace, with any such offence, the Justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode,) the justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other justice of the peace: or the Justice before whom the charge shall be made may (if he shall so think fit) without any previous summons (unless where otherwise specially directed) issue such warrant, and the Justice before whom the person charged shall appear or be brought shall proceed to hear and determine the case.

Application of forfeitures and penalties on summary convictions.

XLIII. And be it enacted, that every sum of money which shall be forfeited for the value of any property stolen or taken, or for the amount of any injury done, (such value or amount to be assessed in such case by the convicting justice), shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence; or when the party aggrieved is unknown, such sum shall be applied in the same manner as the penalty: provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, and the corresponding sum or sums forfeited by the other offender or offenders shall be applied in the same manner as any penalty imposed by a justice of the peace is herein directed to be applied.

Proviso.

If a person summarily convicted shall not pay, &c. the Justice may commit him.

XLIV. And be it enacted, that in every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid either immediately after the conviction or within such period as the justice shall at the time of the conviction appoint, it shall be lawful for the convicting justice (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, for any term not exceeding two calendar months, where the amount of the sum forfeited or of the penalty imposed, or of both, (as the case may be,) together with the costs, shall not exceed fifty sicca rupees, and for any term not exceeding four calendar months, where the amount, with costs, shall not exceed one hundred sicca rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount, with costs.

Scale of imprisonment.

The Justice may discharge the party from his conviction in certain cases.

XLV. Provided always, and be it enacted, that where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first con-

viction, it shall be lawful for the justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the justice.

A summary conviction shall be a bar to any other proceeding for the same cause.

XLVI. And be it enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Form of conviction.

XLVII. And be it enacted, that the justice before whom any person shall be convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; *videlicet*,

"Be it remembered, that on the day of in the year of "our Lord at [*as the case may be*] *A.O.* is convicted "before me *I.P.*, one of his Majesty's Justices of the Peace for for "that he the said *A.O.* did [*specify the offence, and the time and place when and where "the same was committed, as the case may be, and on a second conviction state the "first conviction,*] and I the said *I.P.* adjudge the said *A.O.* for the said offence to be "imprisoned in the [*or* to be imprisoned in the "and there kept to hard labour for the space of ;] *or*, I adjudge the "said *A.O.* for his said offence to forfeit and pay [*here "state the penalty actually imposed, or state the penalty, and also the value of the "articles stolen, or the amount of the injury, and as the case may be,*] and also to pay "the sum of for costs; and in default of immediate payment of the "said sums, to be imprisoned in the [*or* to be imprisoned "in the and there kept to hard labour] for the space "of unless the said sums shall be sooner paid; [*or*, and I order "that the said sums shall be paid by the said *A.O.* on or before the day of "; ] and I direct that the said sum of [i.e. *the "penalty only*] shall be paid to of "aforesaid, in which the said offence was committed, to be by him applied according to "the directions of the statute in that case made and provided; [*or* that the said sum of "[i.e. *the penalty*, shall be paid to, *&c. as before*,] and that the said "sum of [i.e. *the value of the articles stolen, or the amount of the "injury done*,] shall be paid to *C.D.* [*the party aggrieved, unless he has been examined "in proof of the offence, in which case state that fact, and dispose of the whole like the "penalty, as before.*] Given under my hand and seal, the day and year first above-"mentioned."

Appeal.

XLVIII. And be it enacted, that in all cases where the sum adjudged to be paid on any summary conviction shall exceed fifty sicca rupees, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions which shall be holden not less than twelve days after the day of such con-

viction, provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person if in custody; and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No *certiorari*, &c. allowed.

XLIX. And be it enacted, that no such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of his Majesty's superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alledged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions to be returned to the sessions.

How far they shall be evidence in future cases.

L. And be it enacted, that every justice of the peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next Court of general or quarter sessions, there to be kept by the proper officer among the records of the Court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

*Venue* in actions under this Act.

Notice of action.

General issue, &c.

LI. And be it enacted, that all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such cause of action shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender or sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action.

How either of the Supreme Courts may apply certain fines.

LII. And whereas doubts have arisen whether his Majesty's Supreme Courts at Calcutta, Madras, and Bombay respectively, or any Justice of the Peace in the British territories under the government of the said United Company, may lawfully defray the costs of any prosecu-

tion, or may make compensation to any prosecutor, otherwise than out of any fine levied in the same prosecution; be it enacted, that each of the said Supreme Courts may apply towards the reasonable costs of prosecuting offences, or of compensating prosecutors (whether the prosecution be before the said Court or any Justices of the Peace), any part of the whole sum arising out of fines levied by or transmitted to the said Courts; provided always, that no such allowance for costs or compensation shall be made, except upon motion in open Court; and that nothing herein contained shall prevent Justices of the Peace from making such allowances for costs or compensation to prosecutors as they might before have lawfully done.

Petit treason to be treated as murder.

LIII. And be it enacted, that every offence which before the commencement of this Act would have amounted to petit treason shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried, and punished as principals and accessories in murder.

Punishment of principal and accessory.

LIV. And be it enacted, that every person convicted of murder, or of being an accessory before the fact to murder, shall suffer death as a felon; and every accessory after the fact to murder shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

Period of execution, and marks of infamy.

LV. And be it enacted, that every person convicted of murder shall be executed according to law on the day next but one after that on which the sentence shall be passed, unless the same shall happen to be Sunday, and in that case on the Monday following; and the body of every murderer shall, after execution, either be dissected or hung in chains, as to the Court shall seem meet; and sentence shall be pronounced immediately after the conviction of every murderer, unless the Court shall see reasonable cause for postponing the same; and such sentence shall express not only the usual judgment of death, but also the time hereby appointed for the execution thereof, and that the body of the offender shall be dissected or hung in chains, if the Court shall think fit: provided always, that after such sentence shall have been pronounced, it shall be lawful for the Court or Judge to stay the execution thereof, if such Court or Judge shall so think fit.

Sentence to be pronounced immediately after conviction.

Power to respite.

Provision for the trial of murder and manslaughter, where the death, or the cause of death only, happens within the limits of the East-India Company's Charter.

LVI. And be it enacted, that where any person, being feloniously stricken, poisoned, or otherwise hurt at any place whatsoever, either upon the land or at sea, within the limits of the Charter of the said United Company, shall die of such stroke, poisoning, or hurt at any place without those limits, or being feloniously stricken, poisoned, or otherwise hurt at any place whatsoever, either upon land or at sea, shall die of such stroke, poisoning, or hurt at any place within the limits aforesaid, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished by any of his Majesty's Courts of Justice within the British territories under the government of the said United Company, in the same manner in all respects as if such offence had been wholly committed within the jurisdiction of the Court within the jurisdiction of which such offender shall be apprehended or be in custody.

Punishment of manslaughter.

LVII. And be it enacted, that every person convicted of manslaughter shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, or to pay such fine as the Court shall award.

Excusable and justifiable homicide.

LVIII. Provided always, and be it enacted, that no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any manner without felony.

Attempting, by poison or violence, to murder.

LIX. And be it enacted, that if any person unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall, by drawing a trigger, or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut, or wound any person, with intent, in any of the cases aforesaid, to murder such person, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Shooting at, or stabbing, cutting, or wounding any person, with intent to rob, maim, &c., capital.

LX. And be it enacted, that if any person unlawfully and maliciously shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by law to be apprehended or detained, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon: provided always, that in case it shall appear, on the trial of any person indicted for any of the offences above specified, that such acts of shooting, or of attempting to discharge loaded arms, or of stabbing, cutting, or wounding as aforesaid, were committed under such circumstances that if death had ensued therefrom the same would not in law have amounted to the crime of murder, in every such case the person so indicted shall be acquitted of felony.

Proviso.

Administering poison, or using any means to procure the miscarriage of any woman quick with child.

Using means with intent to procure miscarriage, where the woman is not quick with child.

LXI. And be in enacted, that if any person, with intent to procure the miscarriage of any woman then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon; and if any person, with intent to procure the miscarriage of any woman not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years, and if a male to be once, twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

A woman concealing the birth of her child.

LXII. And be it enacted, that if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years; and it shall not be necessary to prove whether the child died before, at, or after its birth: provided always, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be

lawful for the jury by whose verdict she shall be acquitted to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof; and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

Sodomy.

LXIII. And be it enacted, that every person convicted of the abominable crime of buggery committed either with mankind or with any animal, shall suffer death as a felon.

Rape.

LXIV. And be it enacted, that every person convicted of the crime of rape shall suffer death as a felon.

Carnal knowledge of a girl under the age of eight, and above eight and under ten.

LXV. And be it enacted, that if any person shall unlawfully and carnally know and abuse any girl under the age of eight years, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon; and if any person shall unlawfully and carnally know and abuse any girl being above the age of eight years and under the age of ten years, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned for such term as the Court shall award.

What sufficient to constitute rape, &c.

LXVI. And whereas upon trials for the crimes of buggery and of rape, and of carnally abusing girls under the respective ages herein-before mentioned, offenders frequently escape by reason of the difficulty of the proof which has been required of the completion of these several crimes; for remedy thereof be it enacted, that it shall not be necessary, in any of those cases, to prove the actual emission of seed in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon proof of penetration only.

Forcible abduction of any woman on account of her fortune, with intent to marry her, &c.

LXVII. And be it enacted, that where any woman shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be an heiress presumptive or next of kin to any one having such interest, if any person shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or defile her, or to cause her to be married or defiled by any other person, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be transported to such place as the Court shall direct, either for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years.

Unlawful abduction of any girl under sixteen from her parents, &c.

LXVIII. And be it enacted, that if any person shall unlawfully take or cause to be taken any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award.

Stealing a child under the age of ten years.

LXIX. And be it enacted, that if any person shall maliciously, either by force or fraud, lead or take away, or decoy or entice away, or detain, any child under the age of ten years, with intent to deprive the parent or parents, or any other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; or if any person shall, with any such intent as aforesaid, receive or harbour any such child knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained as herein-before

mentioned; every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be transported to such place as the Court shall direct for the term of seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall think fit), in addition to such imprisonment: provided always, that no person who shall have claimed to be the father of an illegitimate child, or to have any right to the possession of such child, shall be liable to be prosecuted by virtue hereof, on account of his getting possession of such child, or taking such child out of the possession of the mother, or any other person having the lawful charge thereof.

Not to extend to fathers taking their illegitimate children.

Bigamy.

LXX. And be it enacted, that if any person professing the Christian religion, being married, shall marry any other person during the life of the former husband or wife, whether the second marriage shall have taken place in the East-Indies or elsewhere, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be transported to such place as the Court shall direct for the term of seven years, or to be imprisoned for any term not exceeding two years; and every such offence may be dealt with, inquired of, tried, determined, and punished by any of his Majesty's Courts of Justice within the British territories under the government of the said United Company, within the jurisdiction of which the offender shall be apprehended or be in custody, as if the offence had been actually committed within such jurisdiction: provided always, that nothing herein contained shall extend to any second marriage contracted out of his Majesty's dominions by any other than a subject of his Majesty, or to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Place of trial.

Exceptions.

Master of a merchant vessel forcing a seaman on shore, or refusing to bring him home.

LXXI. And be it enacted, that if any master of a merchant vessel shall, during his being abroad, force any man on shore, or wilfully leave him behind in any of his Majesty's colonies or elsewhere, or shall refuse to bring home with him again all such of the men whom he carried out with him as are in a condition to return when he shall be ready to proceed on his homeward-bound voyage, every such master shall be guilty of a misdemeanor, and being lawfully convicted thereof, shall be imprisoned for such term as the Court shall award; and the said Court is hereby authorized to issue one or more commissions, if necessary, for the examination of witnesses abroad; and the depositions taken under the same shall be received in evidence on the trial of every such indictment or information.

Counterfeiting any deed, &c.

LXXII. And be it enacted, that if any person shall falsely make, forge, counterfeit, or alter, or shall utter or publish as true, or sell, offer, or dispose of, or put away, knowing the same to be false, forged, counterfeited, or altered, any deed, or any written instrument for the conveyance or transfer of any property or interest in any land, house, or goods, or any share or interest in any public stock or fund established by authority of Parliament or of the said United Company, or of any foreign state, or in any stock or fund of any body corporate, company, or society, or for securing the payment of money, or any will, testament, bond, writing obligatory, bill of exchange, promissory note for payment of money, or any indorsement or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any acquittance or receipt for money,

or any goods or valuable thing, or any accountable receipt of any note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery or transfer of any goods or valuable thing, or any decree, order, record, certificate, minute, affidavit, deposition, or other writing which shall be, or purport to have been enrolled, drawn up, filed, entered, issued, or delivered by any Court or magistrate in any proceeding, criminal or civil, with intention to defraud any person whatsoever, or any corporation, every such offender shall be guilty of felony, and being thereof convicted, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Counterfeiting current coin.

LXXIII. And be it enacted, that if any person shall counterfeit any gold or silver coin of any of the territories under the governments of the said United Company in the East-Indies, or any gold or silver coin usually current and received as money in payment in any part of the British territories under the government of the said United Company, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Uttering counterfeit coin.

LXXIV. And be it enacted, that if any person shall utter or tender in payment, or sell or give in exchange, or pay or put off to any person, any such false or counterfeited coin as aforesaid, knowing the same to be so false or counterfeited, every such offender, being thereof convicted, shall be adjudged by the Court to suffer six months' imprisonment, and find sureties for his good behaviour for six months more, to be computed from the end of the said first six months; and if the same person shall afterwards be convicted a second time of the like offence of uttering or tendering in payment, or selling, or giving in exchange, or paying or putting off, any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, such person shall for such second offence suffer two years' imprisonment, and find sureties for his or her good behaviour for two years more, to be computed from the end of the said first two years; and if the same person shall afterwards offend a third time, in uttering or tendering in payment, or selling, or giving in exchange, or paying or putting off, any such false or counterfeit coin as aforesaid, knowing the same to be false or counterfeit, and shall be convicted of such third offence, he shall be sentenced to transportation for life to such place beyond the seas as the Court shall direct.

1st offence.

2d offence.

3d offence

Having in possession more than five pieces of counterfeit coin, without lawful excuse, punishable with fine or three months' imprisonment.

LXXV. And be it enacted, that if any person shall have in his custody, without lawful excuse, the proof whereof should lie on the party accused, any greater number of pieces than five pieces of such false or counterfeit coin as aforesaid, every such person, being thereof convicted upon the oath of one or more credible witness or witnesses before one of his Majesty's Justices of the Peace, or if there shall be no Justice of the Peace duly qualified to act in the place where such offence shall be committed, before one of the Judges of his Majesty's Court there, shall forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of such Justice or Judge, and shall for every offence forfeit and pay any sum of money not exceeding in value forty sicca rupees, or less than twenty sicca rupees, in the currency of the place in which such offence shall be committed, for every such piece of false or counterfeit coin which shall be found in the custody of such person, one moiety to the

informer or informers, and the other moiety to the poor of the presidency, settlement, or place in which such offence shall be committed; and in case any such penalty shall not be forthwith paid, it shall be lawful for such Justice or Judge to commit the person or persons who shall be adjudged to pay the same to the common jail or house of correction, there to be kept to hard labour for the space of three calendar months, or until such penalty shall be paid.

Counterfeiting licences or certificates, or attested copies thereof, punishable with fine and imprisonment.

LXXVI. And be it enacted, that if any person shall counterfeit, erase, alter, or falsify any licence authorizing any ship or vessel to proceed to any place in the East-Indies or parts aforesaid, or any licence or certificate authorizing any person to go to or reside at any such place, or any attested copy of any such licence or certificate, or shall utter or publish as true any such counterfeited, erased, altered, or falsified licence, certificate, or attested copy, knowing the same to be counterfeited, erased, altered, or falsified, every such offender, being convicted thereof, shall suffer such imprisonment not exceeding one year, and shall pay such fine not exceeding in value one thousand sicca rupees in the currency of the place in which such offence shall be committed, as the Court shall direct.

Distinction between grand and petty larceny abolished.

LXXVII. And be it enacted, that the distinction between grand larceny and petty larceny shall be abolished; and every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents, in all respects, as grand larceny was before the day of this Act taking effect.

Punishments for simple larceny.

LXXVIII. And be it enacted, that every person convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall, except in the cases herein-after otherwise provided for, be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Stealing public or private securities for money, or warrants for goods, shall be felony, and punishable like stealing goods.

LXXIX. And be it enacted, that if any person shall steal any security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether established by authority of Parliament or of the said United Company, or of any foreign state, or in any stock or fund of any body corporate, company, or society, or to any deposit in any savings' bank, or shall steal any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of the territories under the government of the said United Company, or of any other of his Majesty's dominions, or of any foreign country or state, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of felony of the same nature and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents herein-before enumerated shall, throughout this Act, be deemed for every purpose to be included under and denoted by the words "valuable security."

Rule of interpretation.

Robbery from the person;

stealing from the person;

LXXX. And be it enacted, that if any person shall rob any other person of any chattel, money, or valuable security, every such offender, being convicted thereof, shall suffer death as a felon; and if any person shall steal any such property from the person of another, or shall assault any other person with intent to rob him, or shall with menaces or by force

demand any such property of any other person with intent to steal the same, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

assaults with intent to rob, and demands accompanied with menaces or force.

LXXXI. And be it declared and enacted, that if any person shall accuse or threaten to accuse any other person of any infamous crime, as herein-after defined, with a view or intent to extort or gain from him, and shall, by intimidating him by such accusation or threat, extort or gain from him any chattel, money, or valuable security, every such offender shall be deemed guilty of robbery, and shall be indicted and punished accordingly.

Obtaining money, &c. by threatening to accuse a party of an infamous crime.

LXXXII. And be it enacted, that if any person shall knowingly send or deliver any letter or writing, demanding of any person, with menaces, or without any reasonable or probable cause, any chattel, money, or valuable security; or if any person shall accuse or threaten to accuse, or shall knowingly send or deliver any letter or writing accusing or threatening to accuse, any person of any crime punishable by law with death, transportation, or pillory, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime, as herein-after defined, with a view or intent to extort or gain from such person any chattel, money, or valuable security, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Sending letters threatening to accuse a party of an infamous crime for the purpose of extorting money, &c.

LXXXIII. And be it enacted, that the abominable crime of buggery, committed either with mankind or with any animal, and every assault with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person, whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

What shall be deemed an infamous crime.

LXXXIV. And be it enacted, that every person convicted of burglary shall suffer death as a felon; and it is hereby declared, that if any person shall enter the dwelling-house of another with intent to commit felony, or being in such dwelling-house shall commit any felony, and shall in either case break out of the said dwelling-house in the night-time, such person shall be deemed guilty of burglary.

Burglary, capital.

LXXXV. And be it enacted, that if any person shall break and enter any dwelling-house, and steal therein any chattel, money, or valuable security, to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling-house any chattel, money, or valuable security, to the value in the whole of fifty sicca rupees or more, every such offender, being convicted thereof, shall suffer death as a felon.

House-breaking and stealing in a house, when capital.

LXXXVI. Provided always, and be it enacted, that no building, although within the same curtilage with the dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for the purpose of burglary, or for any of the purposes aforesaid,

What buildings only are part of a house for capital purposes.

unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and inclosed passage leading from one to the other.

Robbery in any building within the same curtilage as the house, but not privileged as part of the house.

LXXXVII. And be it enacted, that if any person shall break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision herein-before mentioned, every such offender, being convicted thereof, either upon an indictment for the same offence, or upon an indictment for burglary, house-breaking, or stealing to the value of fifty sicca rupees in a dwelling-house, containing a separate count for such offence, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Robbery in a shop, warehouse, &c.

LXXXVIII. And be it enacted, that if any person shall break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security, every such offender, being convicted thereof, shall be liable to any of the punishments which the Court may award as herein-before last mentioned.

Stealing goods from a vessel in a port, river, or canal.

LXXXIX. And be it enacted, that if any person shall steal any goods or merchandize in any vessel, barge, or boat of any description whatsoever, in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port or canal, or shall steal any goods or merchandize from any dock, wharf, or quay adjacent to any such port, river, canal, or creek, every such offender, being convicted thereof, shall be liable to any of the punishments which the Court may award as herein-before last-mentioned.

Plundering the tackle or cargo of a wrecked vessel.

Proviso.

XC. And be it enacted, that if any person shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, every such offender, being convicted thereof, shall suffer death as a felon: Provided always, that when articles of small value shall be stranded or cast on shore, and shall be stolen without circumstances of cruelty, outrage, or violence, it shall be lawful to prosecute and punish the offender as for simple larceny.

Persons in possession of shipwrecked goods not giving a satisfactory account.

XCI. And be it enacted, that if any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, shall by virtue of a search warrant, to be granted as herein-after mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person, being carried before a justice of the peace, shall not satisfy the justice that he came lawfully by the same, then the same shall by order of the justice be forthwith delivered over to or for the use of the rightful owner thereof; and the offender, on the conviction of such offence before the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding two hundred sicca rupees, as to the justice shall seem meet.

Shipwrecked goods offered for sale may be seized.

XCII. And be it enacted, that if any person shall offer or expose for sale any goods, merchandize, or articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case any person to whom the same shall be offered for sale,

or any officer of the customs or excise, or peace officer, may lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some justice of the peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such justice, shall not appear and satisfy the justice that he came lawfully by such goods, merchandize, or articles, then the same shall by order of the justice be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the justice) to the person who seized the same; and the offender, on conviction of such offence by the justice, shall forfeit and pay, over and above the value of the goods, merchandize, or articles, such sum of money, not exceeding two hundred sicca rupees, as to the justice shall seem meet.

Stealing, &c. of records and other proceedings of Courts of Justice.

XCIII. And be it enacted, that if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy, any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or any original document whatever, of or belonging to any Court of Record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court; or any bill, answer, interrogatory, deposition, affidavit, order or decree, or any original document whatsoever, of or belonging to any Court of Equity, or relating to any cause or matter begun, depending, or terminated in any such Court; every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and it shall not in any indictment for such offence be necessary to allege, that the article in respect of which the offence is committed is the property of any person, or that the same is of any value.

Stealing or destroying of wills.

XCIV. And be it enacted, that if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or conceal, any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to any of the punishments which the Court may award as hereinbefore last-mentioned; and it shall not in any indictment for such offence be necessary to allege, that such will, codicil, or other instrument, is the property of any person, or that the same is of any value.

Stealing of writings relating to any real estate.

XCV. And be it enacted, that if any person shall steal any paper or parchment, written or printed, or partly written and partly printed, being evidence of the title, or of any part of the title to any real estate, every such offender shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable to any of the punishments which the Court may award, as hereinbefore last-mentioned; and in any indictment for such offence, it shall be sufficient to allege the things stolen to be evidence of the title, or of part of the title of the person, or of some one of the persons, having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

Nothing herein as to wills and writings shall lessen any remedy at law or in equity which

XCVI. Provided always, and be it enacted, that nothing in this Act contained, relating to either of the misdemeanors aforesaid, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach any remedy at law or in equity which any

the aggrieved party now has.

party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no person shall be liable to be convicted of either of the misdemeanors aforesaid, by any evidence whatever, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved.

Stealing dogs, or beasts, or birds, kept in confinement.

XCVII. And be it enacted, that if any person shall steal any dog, or shall steal any beast or bird, ordinarily kept in a state of confinement, not being the subject of larceny at common law, every such offender, being convicted thereof before a justice of the peace, shall for the first offence forfeit and pay, over and above the value of the dog, beast, or bird, such sum of money, not exceeding two hundred sicca rupees, as to the justice shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term, not exceeding twelve calendar months, as the convicting justice shall think fit; and if such subsequent conviction shall take place before two justices, they may further order the offender, if a male, to be once or twice publicy or privately whipped, after the expiration of four days, from the time of such conviction.

Stealing fixtures of any kind from buildings, and metal fixtures from grounds.

XCVIII. And be it enacted, that if any person shall steal, or rip, cut, or break with intent to steal, any glass or wood work belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, respectiveiy fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property, or for a fence to any dwelling-house, garden, or area, or in any square, street, or other place dedicated to public use or ornament, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny; and in case of any such thing fixed in any square, street, or other like place, it shall not be necessary to allege the same to be the property of any person.

Clerks and servants stealing from their masters.

XCIX. And be it enacted, that if any clerk or servant shall steal any chattel, money, or valuable security, belonging to or in the possession or power of his master, every such offender, being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fourteen years, or to be imprisoned for any term not exceeding three years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Clerks and servants receiving any money, &c on their master's account, and embezzling it.

C. And be it enacted, that if any clerk or servant, or any person employed for the purpose or in the capacity of a clerk or servant, shall by virtue of such employment receive or take into his possession any chattel, money, or valuable security, for or in the name or on the account of his master, and shall fraudulently embezzle the same or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master, although such chattel, money, or security was not received into the possession of such master otherwise than by the actual possession of his clerk, servant, or other person so employed; and every such offender, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as herein-before last mentioned.

Distinct acts of embezzlement may be charged in the same indictment.

As to allegation and proof of the property embezzled.

CI. And be it enacted, that it shall be lawful to charge in one indictment, and proceed under the same against the offender for any number of distinct acts of embezzlement not exceeding three, which may have been committed by him against the same master within the space of twelve calendar months from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Agents embezzling money entrusted to them for a special purpose;

or goods or valuable securities.

CII. And be it enacted, that if any money, or security for the payment of money, shall be entrusted to any banker, merchant, broker, attorney, or other agent, with any direction in writing to apply such money or any part thereof, or the proceeds or any part of the proceeds of such security, for any purpose specified in such direction, and he shall, in violation of good faith, and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security, or proceeds, or any part thereof respectively, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place beyond the seas as the Court shall direct, for any term not exceeding fourteen years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and if any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund established by authority of Parliament or of the said United Company, or of any foreign state, or in any stock or fund of any body corporate, company, or society, shall be entrusted to any banker, merchant, broker, attorney, or other agent, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney shall have been entrusted to him, sell, negociate, transfer, pledge, or in any manner convert to his own use or benefit, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court may award as herein-before last mentioned.

Not to affect trustees or mortgagees;

nor to restrain bankers, &c. from receiving money due on securities;

nor from disposing of securities on which they have a lien.

CIII. Provided always, and be it enacted, that nothing herein-before contained relating to agents shall affect any trustee in or under any instrument whatever, or any mortgagee of any property real or personal, in respect of any act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney, or other agent, from receiving any money which shall be or become actually due and payable upon or by virtue of any valuable security according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession upon which he shall have any lien, claim, or demand entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim, or demand.

Factors pledging for their own use goods, or documents relating to goods, entrusted to them for the purpose of sale.

CIV. And be it enacted, that if any factor or agent entrusted for the purpose of sale with any goods or merchandize, or entrusted with any bill of lading, warehousekeeper's or wharfinger's certificate or warrant or order for delivery of goods or merchandize, shall, for his own benefit, and in violation of good faith, deposit or pledge any such goods or merchandize, or any of the said documents, as a security for any money or negotiable instrument borrowed or received by such factor or agent at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fourteen years, or to suffer other such punishment by fine or imprisonment, or by both, as the Court shall award; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandize, or any of the said documents, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such deposit or pledge was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Not to extend to case where the pledge does not exceed the amount of the lien.

Nothing herein, as to agents, &c. to lessen any remedy which the aggrieved party now has.

CV. Provided always, and be it enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, against any banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall prevent, lessen, or impeach any remedy, at law or in equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him; and no banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall be liable to be convicted by any evidence whatever, as an offender against this Act, in respect of any act done by him, if he shall at any time previously to his being indicted, for such offence have disclosed such act on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding which shall have been *bonâ fide* instituted by any party aggrieved.

Obtaining money, &c. by false pretences, a misdemeanor.

CVI. And be it enacted, that if any person shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award: provided always, that if upon the trial of any person indicted for a misdemeanor, it shall appear that he obtained the property in any manner amounting to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor, if the offence be in any other respects substantially proved; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for larceny upon the same facts.

No acquittal on the ground that the case proved amounts to larceny.

Where the original offence is felony, the receivers of stolen property may be tried, either as accessories after the fact, or as substantive felons.

CVII. And be it enacted, that if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, or obtaining whereof shall amount to a felony, either at common law or by virtue of this Act, such person knowing the same to have been feloniously stolen, taken, or obtained, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or as for a substantive felony, whether in the latter case the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver,

howsoever convicted, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fourteen years, or to be imprisoned for any term not exceeding three years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment: provided always, that no person, howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Where the original offence is misdemeanor, receivers may be prosecuted for a misdemeanor, whether the principal be convicted or not.

CVIII. And be it enacted, that if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, or converting whereof is made an indictable misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such receiver shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice; and every such receiver shall, on conviction, be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

All receivers may be tried where the principal is triable, or where the property is found in their possession, as well as where the receiving takes place.

CIX. And be it enacted, that if any person shall receive any chattel, money, valuable security, or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, or converted, every such person, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, may be dealt with, indicted, tried, and punished in any place in which he shall have or shall have had any such property in his possession, or in any place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted, tried, and punished for receiving such property in the place where he actually received the same.

The owner of stolen property, prosecuting thiefor receiver to conviction shall have restitution of his property.

Exception.

CX. And be it enacted, that if any person guilty of any felony or misdemeanor as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving, any chattel, money, valuable security, or other property whatsoever, shall be indicted for any such offence by the owner of the property, or by his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and the Court before whom any such person shall be so convicted shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: provided always, that if it shall appear, before any award or order made, that any valuable security shall have been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument, shall have been *bonâ fide* taken or received by transfer or delivery by some person or body corporate for a just and valuable consideration, without any notice, or without any reasonable cause to suspect, that the same had by any felony or misdemeanor been stolen, taken, obtained, or converted as aforesaid, in such case the Court shall not award or order the restitution of such security.

Taking a reward for helping to the recovery of stolen property, without bringing the offender to trial.

CXI. And be it enacted, that if any person shall corruptly take any money or reward, directly or indirectly, under pretence or on account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall by any felony or mis-

demeanor have been stolen, taken, obtained, or converted as aforesaid, every such person so taking money or reward (unless he shall cause the offender guilty of the principal felony or misdemeanor to be apprehended and brought to trial for the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Advertising a reward for the return of stolen property, &c.

CXII. And be it enacted, that if any person shall publicly advertise a reward for the return of any property whatsoever which shall have been stolen or lost, and shall in such advertisement use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan upon any property stolen or lost, the money so paid or advanced, or any other sum of money or reward for the return of such property, or if any person shall print or publish any such advertisement, in any of the above cases every such person shall forfeit the sum of five hundred sicca rupees for every such offence, to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Receivers of property where the original offence is punishable summarily, shall be punishable as original offenders.

CXIII. And be it enacted, that where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a justice of the peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

Setting fire to any church or chapel, or to any house, &c. used for trade, whether in the possession of the offender or not.

CXIV. And be it enacted, that if any person shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Destroying silk or other goods in the loom, &c., or any machinery belonging to those manufactures, or breaking into any building with intent to destroy the same.

CXV. And be it enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy or to render useless, any goods or articles in any stage, process or progress of manufacture; or shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any loom, frame, machine, engine, rack, tackle, or implement, whether fixed or moveable, prepared for or employed in manufacturing or preparing any such goods or articles; or shall by force enter into any house, shop, building, or place, with intent to commit any of the offences aforesaid; every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once,

twice, or thrice publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment.

Rioters demolishing, &c. any church, chapel, or building used for trade, or machinery in any manufactory.

CXVI. And be it enacted, that if any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any church or chapel, or other public place of religious worship whatsoever, or any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Setting fire to or destroying any ship.

CXVII. And be it enacted, that if any person shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to burn or destroy such cargo or ship, and with intent thereby to prejudice any owner or part-owner of such ship or vessel, or any owner or part-owner of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Damaging any ship otherwise than by fire.

CXVIII. And be it enacted, that if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Doing any act tending to the immediate loss of a ship in distress, or destroying the goods or any part of such ship.

CXIX. And be it enacted, that if any person shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same), every such offender shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Destroying any sea-bank, or the bank of any river or canal, or any lock, floodgate, &c.

CXX. And be it enacted, that if any person shall unlawfully and maliciously break down or cut down any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, or otherwise destroy any lock, sluice, floodgate, or other work on any navigable river or canal, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or

thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment: and if any person shall unlawfully and maliciously cut off, draw up, or remove any piles, chalk, or other materials fixed in the ground, and used for securing any sea bank or sea wall, or the bank or wall of any river, canal, or marsh, or shall unlawfully and maliciously open or draw up any floodgate, or do any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing, or maintaining the navigation thereof, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Cutting or removing the piles, &c. of any sea-bank, or bank of a river, or canal, or doing any damage with intent to obstruct any such navigation.

Breaking down the dam of a fishery.

CXXI. And be it enacted, that if any person shall unlawfully and maliciously break down or otherwise destroy the dam of any fish-pond, or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish therein, every such offender, being convicted thereof before a justice of the peace, shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding fifty sicca rupees, as to the justice shall seem meet.

Killing or maiming cattle.

CXXII. And be it enacted, that if any person shall unlawfully and maliciously kill, maim, or wound any cattle or beast of burthen, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Setting fire to crops or stacks of corn, grain, &c. or to any plantation, &c.

CXXIII. And be it enacted, that if any person shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain, pulse, sugar cane, straw, hay or wood, or to any crop of rice, corn, or other grain, or pulse, or sugar cane, whether standing or cut down, or to any part of a wood, coppice, or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, and if a male to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Malice against the owner of the property not essential to the offence.

CXXIV. And be it enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

All Acts, &c. repealed by 7 & 8 G. 4, c. 27, and 9 G. 4, c. 31, as to England, shall be

CXXV. And be it enacted, that all Acts and parts of Acts which by an Act passed in the seventh and eighth years of the reign of his present Majesty, intituled "An Act for repealing various Statutes in England relative to Benefit of Clergy, and to Larceny and other Offences

connected therewith, and to malicious Injuries to Property, and to Remedies against the Hundred;" or by an Act passed in the present Session of Parliament, intituled "An Act for consolidating and amending the Statutes in England relative to Offences against the Person;" are, as to that part of the United Kingdom called England, and as to offences committed within the jurisdiction of the Admiralty of England, repealed, except as therein mentioned, shall, from and after the said first day of March one thousand eight hundred and twenty-nine, as to all persons, matters, and things over whom or which the jurisdiction of any of his Majesty's Courts of justice erected within the British dominions under the government of the said United Company extends, be repealed, except so far as any of the said Acts may repeal the whole or any part of any other Acts, and except as to offences and other matters committed or done before or upon the day of this Act taking effect, which shall be dealt with and punished as if this Act had not been passed.

repealed in like manner within the jurisdiction of the Courts of Justice in India.

CXXVI. And be it enacted, that so much of an Act passed in the thirty-ninth and fortieth years of the reign of his late Majesty King George the Third, intituled "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," as relates to the transportation of offenders; and so much of an Act passed in the fifty-third year of the same reign, intituled "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," as relates to the stealing or taking by robbery of securities for payment of money, to the falsely making, forging, counterfeiting, or altering, or to uttering, publishing, selling, offering, disposing of, or putting away, knowing the same to be false, forged, or counterfeited, any writings, licences, certificates, or attested copies thereof, or to counterfeiting coin, or to uttering, tendering in payment, selling, giving in exchange, paying, putting off, or having in possession, forged or counterfeit coin; and so much of an Act passed in the fourth year of the reign of his present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage," as requires that the oaths to be taken by members of general or other courts-martial, or courts of requests composed of military officers, shall be taken upon the Holy Evangelists; shall, from and after the day of this Act taking effect, in like manner and with the like exceptions, be and the same is hereby repealed.

39 & 40 G. 3, c. 79.

53 G. 3, c. 155,

and 4 G. 4, c. 81, in part repealed.

CXXVII. And be it enacted, that all persons, whether British subjects or others, employed by or in the service of his Majesty, shall be held subject and amenable to the criminal jurisdiction of his Majesty's courts of justice, erected or to be erected within the British territories under the government of the said India Company, for all crimes and offences to be by them committed on or from and after the first day of March one thousand eight hundred and twenty-nine, in the same manner as persons employed by or in the service of the said United Company are now by law subject and amenable to the said jurisdiction.

All persons employed by his Majesty shall be amenable to Courts in India, as persons employed by the Company are.

In connexion with section 37 of this Act see Act of Government of India, No. 7 of 1837. On section 35, see Act of Government of India,

No. 19 of 1837; and in reference to sections 59, 60, 61, 80, 81, 84, 85, 90, 114, 117, 119, and 123, see Act of Government of India, No. 31 of 1837. All the India Acts referred to will be found in the Appendix.

---

## 10 GEORGII IV. Cap. VII.

AN ACT *for the Relief of his Majesty's Roman Catholic Subjects.*

[13*th April* 1829.]

Such members of Corporations not to vote in ecclesiastical appointments.

XV. Provided nevertheless, and be it further enacted, that nothing herein contained shall extend to authorize or empower any of his Majesty's subjects professing the Roman Catholic religion, and being a member of any lay body corporate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the united church of England and Ireland, or the church of Scotland, being in the gift, patronage, or disposal of such lay corporate body.

---

## 10 GEORGII IV. Cap. XVI.

AN ACT *to continue the Operation of an Act of the Seventh Year of His present Majesty, for suspending the Provisions of an Act of His late Majesty respecting the Appointment of Writers in the Service of the East-India Company; and to amend the provisions of an Act of the Forty-seventh Year of His late Majesty, so far as they relate to the Period of Residence at Hertford College as a Qualification for certain Offices.* [14*th May* 1829.]

The first section of this Act continued the operation of the Act 7 Geo. 4, cap. 56, so far as it related to the appointment of writers not having passed through the College, and to the establishment of rules for securing the requisite qualifications, until the 10th of April 1834, beyond which period it was not extended by any subsequent law.

All the time not exceeding two years, spent in the College in the course of education after seventeen years of age, shall be accounted as so much time spent in India, in certain cases.

II. And whereas, by virtue of an Act passed in the forty-seventh year of the reign of his said late Majesty, all such time as shall be *bonâ fide* spent in the College established in England by the East-India Company for the education of their civil servants, by any persons after they shall respectively have attained the age of seventeen years, is accounted, as to certain offices, places, and employments which such persons are entitled to hold in India, as so much time actually spent in India, provided that such persons shall either before or after

seventeen years of age spend two years at the least in the said College: And whereas it is expedient that the privileges so granted should, under certain circumstances, be extended to young men who may have spent less time than two years in the regular course of education at the said college; be it therefore enacted, that all such time, not exceeding two years, as shall have been or shall be *bonâ fide* spent in the said college in the regular course of such education as aforesaid by any persons after they shall respectively have attained the age of seventeen years, who shall have proceeded or shall hereafter proceed to India in the civil service of the said Company, shall be accounted, as to all offices, places, and employments to which such persons are entitled to be appointed and to hold, the salary, perquisites, and emoluments whereof shall not exceed the sum of one thousand five hundred pounds per annum, as so much time actually spent in India, any law or usage to the contrary thereof in anywise notwithstanding.

---

## 10 GEORGII IV. Cap. LXII.

### An Act *to exclude Persons accepting Offices in the East-Indies from being Members of the House of Commons.* [24*th June* 1829.]

Whereas by an Act passed in the sixth year of the reign of Queen Anne, intituled "An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line," it is amongst other things enacted, that no person who should be a governor or deputy-governor of any of the plantations should be capable of being elected, or of sitting or voting as a member of the House of Commons: and whereas doubts have been entertained how far the provisions of the said Act extend to persons holding the office of governor-general, or of governor of any of the settlements or presidencies under the authority of the East-India Company; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no person who shall be hereafter appointed governor or deputy-governor of any of the settlements, presidencies, territories, or plantations of the said East-India Company, shall be capable of being elected, or of sitting or voting as a member of the House of Commons, while he shall continue to hold such office. 6 Ann. c. 7.

No person appointed Governor, &c. in India, shall be capable of sitting in the House of Commons.

II. And be it further enacted, that if any person hereby declared to be incapable to sit or vote as a member of the House of Commons, shall nevertheless be returned as a member to serve in Parliament, such election and return are hereby enacted and declared to be void; and if any person declared by this Act incapable of being elected shall sit or vote as a member of the House of Commons, such person so sitting or voting shall forfeit the sum of five hundred pounds to such person or persons, who shall sue for the same in any of his Majesty's Courts at Westminster; and the money so forfeited, shall be recovered by the persons so suing, with full costs of suit, in any of the said Courts, by action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Election of such persons declared void.

Penalty on persons so sitting or voting.

## 11 GEORGII IV. and 1 GULIELMI IV. Cap. XX.

AN ACT *to amend and consolidate the Laws relating to the Pay of the Royal Navy.*
[29*th May* 1830.]

Provision for seamen left abroad in distress.

LXXXII. And whereas by the said Act of the thirty-first year of King George the Second, and the said first-mentioned Act of the thirty-second year of King George the Third, hereby repealed, certain provisions were established for the care and maintenance of British seamen who, by shipwreck, capture, or otherwise, might be left in distress in foreign parts; and it is expedient that other provisions should be substituted for the due care and subsistence of seafaring persons thus circumstanced; be it therefore enacted, that the governors, ministers, consuls, and other officers of his Majesty in foreign parts, and in places where there shall be no such, then any two British merchants there residing, shall and they are hereby authorized, directed, and required to send for and provide for all such seafaring men and boys, being subjects of the United Kingdom, who shall by shipwreck, or by any other means, or from any cause whatever, be driven to or cast away or left or be in distress at any such foreign parts or places, or who shall have been discharged from any of his Majesty's ships, and they and every of them are hereby required to provide for and subsist all such seafaring men and boys, and for so doing they shall be allowed so much per day as hath been or shall be in this respect authorized by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid, for the amount of which disbursements they shall send bills, together with proper vouchers, to the Commissioners of the Navy, in order that, after due examination of such vouchers, payment of the amount thereof may be made to them; and the said governors, ministers, consuls, other officers, and merchants shall cause such men and boys to be put or sent on board the first or any ship or vessel belonging to any subjects of his Majesty which shall be bound from thence or from the neighbourhood to any part of the United Kingdom, and shall be in want of men to make up their complement; and if there shall be no such ship in want of men within a convenient time, then they shall provide and order a passage home for such seafaring men and boys in the first ship or vessel of his Majesty's subjects bound to any part of the said United Kingdom; and every master or other person having the charge of any such ship or vessel shall and he is hereby required to receive and afford a passage, and subsistence during the voyage, to all such seafaring men and boys as shall be so sent on board his ship, not exceeding four for every one hundred tons of his ship's burthen; and every such master, on the production to the Commissioners of the Navy of a certificate under the hands of any such governors, ministers, consuls, other officers, or merchants, specifying the number and names of the men and boys, and the time when they were so received on board, and upon making oath as to the number of days they were subsisted, and that he did not during that period want of his own complement of men, or if he did want any, then the number he so wanted of his complement, and for what time he shall be entitled to receive from the said Commissioners an allowance in respect of the subsistence and passage of each such man and boy (exceeding the number so wanting of his complement), according to such rate per day as in that behalf hath been or shall be authorized by the said Lord High Admiral or the Commissioners for executing the office of lord high admiral aforesaid; and in case any master or other person having charge of any such ship shall neglect or refuse to receive on board his ship, and to subsist and give a passage to any such seafaring

man or boy, in breach of this enactment, every person so offending shall be liable to a penalty of one hundred pounds for each man or boy he shall so neglect or refuse to receive, subsist, or give a passage to, which penalty shall and may be recovered by information at the suit of his Majesty's attorney-general in his Majesty's Court of King's Bench or Exchequer at Westminster, and that in such information the offence or offences shall and may be alleged to have been committed at Westminster in the county of Middlesex; and the Court in which any such information shall be prosecuted shall be and is hereby authorized to issue a commission or commissions for the examination of witnesses abroad, the depositions taken under which shall be received in evidence on the trial of such information.

The Admiralty to cause the Act to be executed.

XCIV. And be it further enacted, that the Lord High Admiral or the Commissioners for executing the office of lord high admiral for the time being shall cause measures to be taken for providing the several forms of books, bills, certificates, tickets, and other documents authorized or required by this Act; and if any case not herein provided for shall arise, it shall be lawful for the Lord High Admiral or the said Commissioners to make such order thereupon as shall be deemed most conducive to the interests of the public service and of the individuals engaged therein, and for carrying the intentions of this Act into effect; and they shall also cause an abstract of the provisions and regulations herein contained to be made and printed, and a competent number of copies thereof to be furnished to the treasurer of the navy, principal officers and Commissioners of his Majesty's navy at home and abroad, to the Commissioners of customs and excise in the United Kingdom respectively, to the governors of his Majesty's colonies and of the settlements within the Charter of the East-India Company, to his Majesty's consuls abroad, to the registrars and deputy registrars of the Prerogative Court of Canterbury, to the governors and agents of naval hospitals and sick quarters, and to the commanding officers of the several divisions of Royal Marines, who are hereby strictly required to cause the same to be affixed on some conspicuous part of their respective offices, and to promulgate the same in their respective departments; and a competent number of copies of such abstract shall also be supplied to the captains and commanding officers of all his Majesty's ships, each of whom is hereby enjoined, so soon as the ship which he shall be appointed to command shall be put into sea pay, to cause one of such abstracts, together with the Articles of War, to be hung up in or affixed to the most public place in the ship, and shall cause the same to be constantly kept up and renewed, so that it may be at all times accessible to the whole of the crew, and he shall also cause such abstract to be distinctly and audibly read over once in every month in the presence of the ship's company, immediately after the Articles of War are read; and the Commissioners of the Navy are hereby enjoined to inquire whether such abstract and the said Articles of War have been duly hung up and read as directed, and not to grant to any captain or commanding officer his general certificate until they shall be fully satisfied thereof, to the end that every person serving on board his Majesty's ships may at one and the same time hear and know the forfeitures and punishment he is liable to for neglect or disobedience, and likewise the advantages and benefits to which he is entitled by a due and faithful performance of his duty, and that if he shall suffer any oppression or injury in his Majesty's service, he may be the better enabled to lay his complaint before the Lord High Admiral or the Commissioners for executing the office of lord high admiral of the United Kingdom, who are hereby required, on any complaint made to them, to cause strict inquiry to be made into the circumstances, and if the complaint shall appear to them to be well-founded, to grant relief forthwith.

## 11 GEORGII IV. and 1 GULIELMI IV. CAP. LX.

*AN ACT for amending the Laws respecting Conveyances and Transfers of Estates and Funds vested in Trustees and Mortgagees; and for enabling Courts of Equity to give Effect to their Decrees and Orders in certain Cases.* [23*rd July* 1830.]

6 G. 4, c. 74. Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics, and Persons of unsound Mind:" and whereas an Act was passed in the 2 G. 1. (I.) parliament of Ireland in the second year of the reign of King George the First, intituled, "An Act to enable Infants who are seised or possessed of Estates in Fee, in Trust or by way of Mortgage, to make Conveyances of such Estates:" and whereas an Act was passed in the 5 G. 2. (I.) parliament of Ireland in the fifth year of the reign of King George the Second, intituled, "An Act to enable Idiots and Lunatics who are seised or possessed of Estates in Fee or for Lives or Terms of Years, in Trust or by way of Mortgage, to make Conveyances, Surrenders, or Assignments of Estates; and to prevent Delay in Suits in Equity where Trustees are not found:" and whereas an Act was passed in the seventh year of the reign of his late Majesty 7 G. 4, c. 43. King George the Fourth, intituled, "An Act to amend the Laws in force in Ireland relating to Conveyances and Transfers of Estates and Funds vested in Trustees: and whereas it is expedient that the provisions of the said Acts should be consolidated and enlarged; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the said recited Acts shall be and the same are hereby repealed, except so far as the same relate to stock belonging beneficially to infants or lunatics, and also except as to such proceedings of any description, under the same Acts respectively, as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient: provided always, that the several Acts repealed by the said first recited Act shall not be revived.

Recited Acts repealed, except as herein mentioned.

Rules for the interpretation of this Act.

II. And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act, as describing subjects some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend to and include the several other estates and persons, matters and things, herein-after mentioned; (that is to say), those relating to land, to any manor, messuage, tenement, hereditament, or real property, of whatever tenure, and to property of every description transferable otherwise than in books kept by any Company or Society, or any share thereof or interest therein; those relating to stock, to any fund, annuity, or security transferable in books kept by any Company or Society esta-

lished or to be established, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, to interest or other annual produce; those relating to a conveyance, to any fine, recovery, release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same; those relating to a transfer, to any assignment, payment, or other disposition; those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs; those relating to an heir, to any devisee or other real representative by the common law or by custom or otherwise; and those relating to an executor, to any administrator or other personal representative; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any trustee or other person, or any trust land, conveyance matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several trust lands, stocks, conveyances, matters, or things respectively, as well as one trust land, stock, conveyance, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

Lord Chancellor may direct the Committee or other person to transfer stocks or funds standing in the name of a lunatic trustee, and receive the dividends.

IV. And be it further enacted, that where any stock shall be standing in the name of any person who shall be a lunatic, as a trustee or executor, alone or jointly with any other person, or shall continue to be standing in the name of a deceased person whose executor shall be lunatic, or shall be otherwise vested in or transferable by any person who shall be lunatic, for the benefit of some other person, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct the committee of the estate of any such lunatic to transfer or join in transferring such stock to or into the name of such person and in such manner as the said Lord Chancellor shall think proper, and also to order such person appointed as aforesaid to receive and pay over or join in receiving and paying over the dividends of such stock in such manner as the said Lord Chancellor shall direct; and every such transfer, receipt and payment shall be as effectual as if the person being lunatic had been of sane mind, memory, and understanding, and had transferred, received, and paid, or joined in transferring, receiving, and paying, such stock or dividends.

Lord Chancellor, before inquisition, may appoint a person to convey or transfer.

V. And be it further enacted, that where any such person as aforesaid being lunatic shall not have been found such by inquisition, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, to direct any person whom the said Lord Chancellor may think proper to appoint for that purpose, in the place of such last-mentioned lunatic, to convey or join in conveying such land, or to transfer or join in transferring such stock, and to receive and pay over the dividends thereof, as herein-before is mentioned; and every such conveyance, transfer, receipt, or payment shall be as effectual as if the said person being lunatic had been of sane mind, memory, and understanding, and had made, done or executed the same; but where any sum of money shall be payable to such lunatic, no such last-mentioned order shall be made if such sum of money shall exceed seven hundred pounds; and where any sum not exceeding seven hundred pounds shall be payable to such lunatic, and any such order shall be made, the Lord Chancellor, intrusted as aforesaid, shall direct to whom and in what manner the money so payable shall be paid; and every payment made in pursuance of such direction shall effectually discharge the person paying the same from the money which he shall so pay.

Transfer of stocks or funds.

X. And be it further enacted, that where any person in whose name as a trustee or executor (either alone or together with the name of any other person), or in the name of whose testator, (whether as a trustee or beneficially,) any stock shall be standing, or any other person who shall otherwise have power to transfer or join with any other person in transferring any stock to which some other person shall be beneficially entitled, shall be out of the jurisdiction of or not amenable to the process of the Court of Chancery, or it shall be uncertain whether such person be living or dead; or if any such trustee or executor or other person shall neglect or refuse to transfer such stock, or receive and pay over the dividends thereof to the person entitled thereto or to any part thereof respectively, or as he shall direct, for the space of thirty-one days next after a request in writing for that purpose shall have been made to any such trustee or executor or other person by the person entitled as aforesaid, then and in every or any such case it shall be lawful for the Court of Chancery to direct such person as the said Court shall think proper to appoint for that purpose, in the place of such trustee or executor or other person, to transfer or join in transferring such stock to or into the name of such person and in such manner as such Court shall direct, and also to order any person appointed as aforesaid to receive and pay over or join in receiving and paying over the dividends of such stock in such manner as the said Court shall direct; and every such transfer, receipt, and payment shall be as effectual as if the said trustee or executor or other person had transferred or joined in transferring such stock, or had received and paid or joined in receiving and paying the said dividends.

In certain cases the Lord Chancellor or Court of Chancery may appoint new trustees, upon petition.

XXII. And whereas cases may occur, upon applications by petition under this Act for a conveyance or transfer, where the recent creation or declaration of the trust or other circumstances may render it safe and expedient for the Lord Chancellor, entrusted as aforesaid, or the Court of Chancery (as the case may require), to direct, by an order upon such petition, a conveyance or transfer to be made to a new trustee or trustees, without compelling the parties seeking such appointment to file a bill for that purpose, although there is no power in any deed or instrument creating or declaring the trusts of such land or stock to appoint new trustees; be it therefore further enacted, that in any such case it shall be lawful for the Lord Chancellor, entrusted as aforesaid, or the said Court of Chancery to appoint any person to be a new trustee, by an order to be made on a petition to be presented for a conveyance or transfer under this Act, after hearing all such parties as the said court shall think necessary; and thereupon a conveyance or transfer shall and may be made and executed, according to the provisions hereinbefore contained, to or so as to vest such land or stock in such new trustee, either alone or jointly with any surviving or continuing trustee, as effectually and in the same manner as if such new trustee had been appointed under a power in any instrument creating or declaring the trusts of such land or stock, or in a suit regularly instituted.

Powers given to the Lord Chancellor of Great Britain.

XXVI. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, entrusted as aforesaid, shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland and Ireland).

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XXVIII. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal

of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of Ireland for the time being, entrusted as aforesaid.

Powers given to the Court of Chancery in England;

XXIX. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland).

which may be exercised by the Court of Exchequer.

XXX. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery and the provisions contained in this Act relating to the said Court, shall and may be exercised in like manner by and are hereby given and extended to the Court of Exchequer.

Who shall be named in the orders of the Court for making transfers.

XXXII. Provided always, and be it further enacted, that in all cases in which orders shall be made, in pursuance of this Act, for the transfer of stock, the person to be named in such order for making such transfer shall either be the committee of the estate of the person being lunatic in whose place such transfer shall be made, or a co-trustee or co-executor of the person in whose place such person shall be directed to transfer, or some officer of the Company or society in whose books the same respectively shall be directed to be made; and where such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the secretary or deputy secretary or accountant general for the time being of the said Governor and Company, or his deputy.

Act to be an indemnity to the Bank and other Companies.

XXXIII. And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto, and that such acts and things shall not be questioned or impeached in any court of law or equity to their prejudice or detriment.

---

## 11 GEORGII IV. and 1 GULIELMI IV. Cap. LXV.

AN ACT *for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind.*

[23*d July* 1830.]

Whereas an Act was passed in the ninth year of the reign of King George the First, intituled "An Act to enable Lords of Manors more easily to recover their Fines, and to exempt Infants and Femes Covert from Forfeitures of their Copyhold Estates in particular Cases:" and whereas an Act was passed in the twenty-ninth year of the reign of King George the Second, intituled, "An Act to enable Infants, Lunatics, and Femes Covert to Surrender Leases, in order to renew the same:" and whereas an Act was passed in the

9 G. 1, c. 29.

29 G. 2, c. 31.

11 G. 3, c. 20. eleventh year of King George the Third, intituled, "An Act to enable Lunatics entitled to renew Leases, their Guardians and Committees to accept of Surrenders of old Leases, and
11 Ann. (I.) c. 3. grant new ones:" and whereas an Act was passed in the Parliament of Ireland in the eleventh year of the reign of Queen Anne, intituled, "An Act to enable Guardians and others to re-
43 G. 3, c. 75. new Leases for Lives:" and whereas an Act was passed in the forty-third year of the reign of King George the Third, intituled, "An Act to authorize the Sale or Mortgage of the Estates of Persons found lunatic by inquisition in England or Ireland respectively, and the
47 G. 3, c. 8, s. 2. granting of Leases of the same:" and whereas an Act was passed in the forty-seventh year of the reign of King George the Third, intituled, "An Act concerning Common Recoveries suffered in Copyhold or Customary Courts by Attorney:" and whereas an Act was passed
59 G. 3, c. 80. in the fifty-ninth year of the reign of King George the Third, intituled, "An Act concerning Common Recoveries to be suffered by Attorney in Courts of ancient Demesne, and to explain an Act of his present Majesty relative to the Sale or mortgaging of Estates of Lunatics:"
6 G. 4, c. 74. and whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws relating to Conveyances and Transfers of Estates and Funds vested in Trustees who are Infants, Idiots, Lunatics, or Trustees of unsound Mind, or who cannot be compelled or refuse to act; and also the Laws relating to Stocks and Securities belonging to Infants, Idiots, Lunatics,
9 G. 4, c. 78. and Persons of unsound Mind:" and whereas an Act was passed in the ninth year of the reign of his said late Majesty, intituled, "An Act for extending the Acts passed in the forty-third and fifty-ninth years of the reign of his late Majesty King George the Third, for the Sale and Mortgage of Estates of Persons found Lunatics by Inquisition taken in England and Ireland, so as to authorize such Sale and Mortgage for other Purposes; and for rendering Inquisitions or Commissions of Lunacy taken in England available in Ireland, and like Inquisitions taken in Ireland available in England:" and whereas it is expedient the provisions of the said Acts should be consolidated and amended; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of

Recited Acts of 11 Ann., 9 G. 1, 29 G. 2, 11, 43, 47, and 59 G. 3, 9 G. 4, and so much of 6 G. 4, as relates to funds belonging to infants, &c. repealed.

the same, that the said recited Acts of the eleventh year of the reign of Queen Anne, the ninth year of the reign of King George the First, the twenty-ninth year of the reign of King George the Second, the eleventh, forty-third, forty-seventh, and fifty-ninth years of the reign of King George the Third, and the ninth year of the reign of his late Majesty King George the Fourth, and also the said recited Act of the sixth year of the reign of his present Majesty, so far as the said last-mentioned Act relates to stocks, funds, annuities, and securities belonging beneficially to persons being infants, idiots, lunatics, or of unsound mind, shall be and the same are hereby repealed (except as to such proceedings under the same as shall have been commenced before the passing of this Act, and which may be proceeded in according to the provisions of the said recited Acts respectively, or according to the provisions of this Act, as shall be thought expedient): provided always, that the several Acts repealed by the said last-recited Act shall not be revived.

Rules for the interpretation of this Act.

II. And inasmuch as, in order to avoid unnecessary repetition, certain words are used in this Act as describing subjects some of which, according to their usual sense, such words would not embrace; for the understanding of the sense attached to them in this Act, be it further enacted, that the provisions of this Act shall extend and be understood to extend to and include the several other estates, persons, matters, and things herein-after mentioned; (that is to say), those relating to land, to any manor, messuage, tenement, hereditament, or

real property of whatsoever tenure, and to property of every description transferable otherwise than in books kept by any company or society, or any share thereof or charge thereon, or estate or interest therein; those relating to stock, to any fund, annuity, or security transferable in books kept by any company or society, or to any money payable for the discharge or redemption thereof, or any share or interest therein; those relating to dividends, to interest or other annual produce; those relating to the Bank of England, to the East-India Company, South Sea Company, or any other company or society established or to be established; those relating to a conveyance, to any release, surrender, assignment, or other assurance, including all acts, deeds, and things necessary for making and perfecting the same; those relating to a transfer, to any assignment, payment or other disposition; and those relating to a lunatic, to any idiot or person of unsound mind or incapable of managing his affairs; unless there be something in the subject or context repugnant to such construction; and whenever this Act, in describing or referring to any person, or any land, stock, conveyance, lease, recovery, matter, or thing, uses the word importing the singular number or the masculine gender only, the same shall be understood to include and shall be applied to several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and several lands, stocks, conveyances, leases, recoveries, matters, or things, as well as one land, stock, conveyance, lease, recovery, matter, or thing respectively, unless there be something in the subject or context repugnant to such construction.

Court of Chancery or Exchequer may order dividends of stock belonging to infants to be applied for maintenance.

XXXII. And be it further enacted, that it shall be lawful for the Court of Chancery, by an order to be made on the petition of the guardian of any infant in whose name any stock shall be standing, or any sum of money, by virtue of any Act for paying off any stock, and who shall be beneficially entitled thereto, or if there shall be no guardian, by an order to be made in any cause depending in the said Court, to direct all or any part of the dividends due, or to become due in respect of such stocks, or any such sum of money, to be paid to any guardian of such infant, or to any other person, according to the discretion of such Court, for the maintenance and education or otherwise for the benefit of such infant, such guardian or other person to whom such payment shall be directed to be made, being named in the order directing such payment; and the receipt of such guardian or other person for such dividends or sum of money, or any part thereof, shall be as effectual as if such infant had attained the age of twenty-one years, and had signed and given the same.

Stock belonging to lunatics may be ordered by the Lord Chancellor to be transferred.

XXXIII. And be it further enacted, that where any stock shall be standing in the name of, or shall be vested in any person being lunatic, who shall be beneficially entitled thereto, or shall be standing in the name of, or vested in any person being committee of the estate of a person found lunatic, in trust for or as part of his property, and such committee shall have died intestate, or shall himself become lunatic, or shall be out of the jurisdiction of, or not amenable to, the process of the Court of Chancery, or it shall be uncertain whether such committee be living or dead, or such committee shall neglect or refuse to transfer such stock, and to receive and pay over the dividends thereof to a new committee, or as he shall direct, for the space of fourteen days next after a request in writing for that purpose shall have been made by any new committee, then and in every or any such case it shall be lawful for the Lord Chancellor, intrusted as aforesaid, upon the petition of the committee of the estates of the person being lunatic, or of the person reported by the master to whom the matter is referred as a proper person to be such committee, although such report shall not have been confirmed, to direct such person as such Lord Chancellor shall think proper to appoint for that purpose to transfer such stock to or into the name of any

new committee, or in the name of the accountant-general of the said Court, or otherwise, and also to receive and pay over the dividends thereof, or such sum or sums of money, in such manner as such Lord Chancellor shall think proper; and such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

Where stock shall be standing in the names of lunatics residing out of England the Lord Chancellor may direct the transfer.

XXXIV. And be it further enacted, that where any stock shall be standing in the name of, or vested in any person residing out of England, it shall be lawful for the Lord Chancellor, intrusted as aforesaid, upon petition, and proof being made to his or their satisfaction, that such person has been declared lunatic, and that his personal estate has been vested in a curator, or other person appointed for the management thereof, according to the laws of the place where such person shall reside, to direct any person whom such Lord Chancellor shall think proper to appoint for that purpose to transfer such stock, or any part or parts thereof, into the name of any such curator, or other such person as aforesaid, or otherwise, and also to receive and pay over the dividends thereof, as such Lord Chancellor shall think fit; and that such transfers and payments shall be valid and effectual to all intents and purposes whatsoever.

Powers given to the Court of Chancery in England;

XXXVI. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery in England, shall extend to all land and stock within any of the dominions, plantations, and colonies belonging to his Majesty, except Scotland.

which may be exercised by the Court of Exchequer.

XXXVII. And be it further enacted, that the powers and authorities given by this Act to the Court of Chancery, shall and may be exercised in like manner by, and are hereby given to, the Court of Exchequer.

Power to the Lord Chancellor of Great Britain.

XXXIX. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall extend to all land and stock wheresoever, within any of the dominions, plantations, and colonies belonging to his Majesty (except Scotland and Ireland).

Powers given to the Lord Chancellor to extend to the Lord Keeper and Commissioners.

XLII. And be it further enacted, that the powers and authorities given by this Act to the Lord Chancellor of Great Britain, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the great seal of Great Britain for the time being, intrusted as aforesaid; and the powers and authorities given by this Act to the Lord Chancellor of Ireland, intrusted as aforesaid, shall and may be exercised in like manner by, and are hereby given to, the Lord Keeper or Commissioners of the great seal of Ireland for the time being, intrusted as aforesaid.

Who shall be named in the orders of the Court for making transfers.

XLIII. Provided always, and be it further enacted, that in all cases in which orders shall be made in pursuance of this Act for the transfer of stock, the person to be named in such order for making such transfer shall be some officer of such Company or Society in whose books such transfer shall be made; and where such transfer shall be directed to be made in books kept by the Governor and Company of the Bank of England, such officer shall be the Secretary or Deputy Secretary, or Accountant-general or Deputy Accountant-general, for the time being of the said Governor and Company.

Act to be an indemnity to the Bank and other companies.

XLIV. And be it further enacted, that this Act shall be and is hereby declared to be a full and complete indemnity and discharge to the Governor and Company of the Bank of

England, and all other companies and societies, and their officers and servants, for all acts and things done or permitted to be done pursuant thereto; and that such acts and things shall not be questioned or impeached in any Court of Law or Equity to their prejudice or detriment.

---

## 11 GEORGII IV. and 1 GULIELMI IV. Cap. LXVI.

AN ACT *for reducing into One Act all such Forgeries as shall henceforth be punished with Death, and for otherwise amending the Laws relative to Forgery.*
[23*d July* 1830.]

The first six sections of this Act are either inapplicable to any transactions connected with the East-India Company, or have been repealed by later enactments.

Personating the owner of any public stock or certain other stock, and endeavouring to transfer or to receive the dividends, transportation for life, &c.

VII. And be it enacted, that if any person shall falsely and deceitfully personate any owner of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable at the Bank of England, or at the South Sea House, or any owner of any share or interest of or in the capital stock of any body corporate, company, or society which now is or hereafter may be established by Charter or Act of Parliament, or any owner of any dividend payable in respect of any such share or interest as aforesaid, and shall thereby endeavour to transfer any share or interest belonging to any such owner, or thereby endeavour to receive any money due to any such owner as if such offender were the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years.

Forging the attestation to any power of attorney for transfer of stock, &c., transportation for seven years, &c.

VIII. And be it enacted, that if any person shall forge the name or hand-writing of any person as or purporting to be a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock as is herein-before mentioned, or to receive any dividend payable in respect of any such share or interest, or shall utter any such power of attorney or other authority, with the name or hand-writing of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of seven years, or to be imprisoned for any term not exceeding two years nor less than one year.

Forging a deed, bond, receipt for money or goods, or an accountable receipt, or an order for delivery of goods, transportation for life, &c.

X. And be it enacted, that if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any deed, bond, or writing obligatory, or any court roll or copy of any court roll relating to any copyhold or customary estate, or any acquittance or receipt either for money or goods, or any accountable receipt either for money or goods, or for any note, bill, or other security for payment of money, or any war-

rant, order, or request for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for payment of money, with intent to defraud any person whatsoever, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years or less than two years.

As to principals in the second degree and accessories.

XXV. And be it enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death (1) or otherwise, in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

(1) [Punishment of death abolished by 1 Vic. cap. 84.]

The Court may order hard labour or solitary confinement for offences against this Act.

XXVI. And be it enacted, that where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, with or without hard labour, in the common gaol or House of Correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, as to the Court in its discretion shall seem meet.

As to offences committed at sea.

XXVII. And be it enacted, that where any offence punishable under this Act shall be committed within the jurisdiction of the Admiralty, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other offence committed within that jurisdiction.

Rule of interpretation as to criminal possession, and as to parties intended to be defrauded.

XXVIII. And be it declared and enacted, that where the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall have any such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act; and where the committing any offence with intent to defraud any person whatsoever is made punishable by this Act, in every such case the word "person" shall throughout this Act be deemed to include his Majesty or any foreign prince or state, or any body corporate, or any company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, company, society, person, or number of persons shall reside or carry on business in England or elsewhere, in any place or country, whether under the dominion of his Majesty or not; and it shall be sufficient in any indictment to name one person only of such company, society, or number of persons, and to allege the offence to have been committed with intent to defraud the person so named, and another or others, as the case may be.

This Act not to extend to Scotland or Ireland;

XXIX. And be it enacted, that this Act shall not extend to any offence committed in Scotland or Ireland.

but to apply to the forging or uttering in England documents

XXX. Provided always, and be it declared and enacted, that where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any

writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person shall, in that part of the United Kingdom called England, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any such writing or matter, in whatsoever place or country out of England, whether under the dominion of his Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language or languages the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in England; and if any person shall in England forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, or order for the payment of money, or any deed, bond, or writing obligatory for the payment of money, (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose,) in whatever place or country out of England, whether under the dominion of his Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language or languages the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, or order be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in England.

purporting to be made or actually made, out of England;

and to the forging or uttering in England bills of exchange, promissory notes, bonds, &c. purporting to be payable out of England.

---

## 11 GEORGII IV. and 1 GULIELMI IV. Cap. LXXV.

### An Act *for the Relief of the Sufferers by the Insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madras.*

[23*d July* 1830.]

Whereas Gilbert Ricketts, Esquire, deceased, late Registrar of the Supreme Court of Judicature at Madras in the East Indies, was, as such Registrar, empowered by an Act of the thirty-ninth and fortieth years of the reign of King George the Third, intituled, "An Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," to administer to all British subjects dying intestate within the Presidency of Madras; and the said Court was thereby directed to grant such letters of administration to the Registrar of the Court; and accordingly the said Gilbert Ricketts did obtain from time to time administrations out of the said Court to several persons who had died intestate within the said Presidency of Madras, and as such administrator collected their estates and effects: and whereas the said Gilbert Ricketts got into his hands and possession, as such Registrar, certain sums of money ordered by the said Court to be paid into Court by the suitors thereof, and afterwards died insolvent on or about the fourth day of December one thousand eight hundred and seventeen, without having

39 & 40 G. 3, c. 79.

lodged in the treasury at Madras the monies and effects he had so as aforesaid received on account of the estates of intestates and from the suitors of the said Court; by reason whereof those persons representing the said intestates, and lawfully entitled to their estates, as well as the suitors of the said Court, have suffered great loss and damage in this respect: and whereas, in order to know the state and particulars of the deficiency of the said Gilbert Ricketts in respect of the estates of intestates, and the monies paid in by the suitors of the Court, that came to his hands, the Honourable the Judges of the said Court, Sir John Newbolt and Sir Edmund Stanley, made an order, bearing date the fifteenth day of December one thousand eight hundred and seventeen, whereby it was referred to Mr. John Shaw the then registrar of the said Court, Mr. George Garrow the accountant-general, Sir Samuel Toller, Knight, advocate-general, Mr. Henry Byne, barrister-at-law, and Mr. Robert Orme, Company's solicitor, as a Committee or Commissioners to inquire into and report upon the accounts of the then late registrar Mr. Gilbert Ricketts, relative to the suitors' money and the estates of deceased persons which came to his hands: and whereas the survivors of the said Commissioners made their report to the Court, bearing date the twenty-ninth day of July one thousand eight hundred and twenty, whereby they reported, that in respect to the estates of intestates that came to the hands of the said Gilbert Ricketts there was a deficiency of pagodas one hundred and twenty-three thousand one hundred and five and thirty-seven fanams, making in British sterling money, at the rate of eight shillings to the pagoda, forty-nine thousand two hundred and forty-two pounds, and in that of the suitors a deficiency of pagodas one thousand six hundred and sixty-two, making in British sterling, at the rate aforesaid, six hundred and sixty-four pounds and sixteen shillings; the particulars whereof, and the estates and suitors to whom due, are set out in the schedules to the said report annexed, and forming part thereof, marked (A.) (B.) (C.) and (D.): and whereas, upon the aforesaid Commissioners having made the aforesaid report of the twenty-ninth day of July one thousand eight hundred and twenty, to the said Court at Madras, in pursuance of the order of the said Court of the fifteenth day of December one thousand eight hundred and seventeen, the honourable the judges of the said Court transmitted the same, on the thirtieth day of August one thousand eight hundred and twenty, to the Governor in Council at Madras, stating that Mr. Ricketts died insolvent, and that there was no fund applicable to the discharge of the balances reported due, and recommended it as highly important to public justice that some fund should be provided for the discharge of such claims: and whereas it is expedient that provision shall be made for payment to such persons as shall appear entitled thereto of the several sums so lost by the malversation of the said Gilbert Ricketts; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful to and for the Court of Directors of the United Company of Merchants of England trading to the East-Indies, and the said Court of Directors is hereby authorized, empowered, and required, to appropriate so much of the territorial revenues of the said United Company as will be sufficient to pay off and discharge to such persons as shall appear to be entitled thereto, as the lawful representatives of the intestates named in the schedule annexed to the said report of the twenty-ninth day of July one thousand eight hundred and twenty, marked (D.), and also to the suitors of the said Court named in the schedules annexed to the said report of the twenty-ninth day of July one thousand eight hundred and twenty, marked respectively (A.) (B.) and (C.), or to the lawful representatives of such of the said suitors who have since deceased, and shall appear to be entitled thereto the several and respective principal sums of money set forth and specified in the said schedules respectively as due to the estates of the intestates and the suitors therein respectively named.

Court of Directors of the East-India Company to appropriate a part of their territorial revenues to discharge the sums due to the estates of certain intestates and suitors in the Supreme Court of Judicature at Madras.

II. And be it further enacted, that the said Court of Directors shall, as soon as reasonably may be after the passing of this Act, send out instructions to the Governor and Council at Madras, directing that the said Governor and Council shall, upon demand being made by or on behalf of any such persons lawfully qualified and entitled thereto, pay out of the said territorial revenues of the said Company to such person or persons, or to their lawfully constituted attornies, as soon as reasonably may be, the principal sums mentioned in the said several schedules to the said report of the twenty-ninth day of July one thousand eight hundred and twenty annexed.

The Court of Directors to send out instructions for the payment of the sums hereby required;

III. Provided always, and be it further enacted, that it shall be lawful for the said Court of Directors, if they shall see fit, to make any such payments in this country to any persons who shall appear entitled thereto, and at such rate of exchange as shall be mutually agreed upon between the said Court and such persons respectively.

or the same may be made in this country.

IV. And be it further enacted, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded.

Public Act.

---

## 1 GULIELMI IV. Cap. IV.

An Act *to render valid Acts done by the Governor of any of his Majesty's Plantations after the Expiration of his Commission by the demise of his late Majesty, and to extend the Period within which the Patents of Governors of Colonies shall on any future Demise of the Crown become vacant, and to provide for the longer Duration of the Patents of Governors after the Demise of the Crown.* [23*d December* 1830.]

Whereas on the demise of his late Majesty King George the Fourth divers persons were in the exercise of offices and employments, civil and military, within his Majesty's plantations, colonies, and possessions abroad, holden under and by virtue of divers patents, commissions, warrants, or other authorities determinable at his said late Majesty's pleasure: and whereas at the expiration of six calendar months next after the demise of his said Majesty such offices and employments as aforesaid will by law cease and determine, and such patents, commissions, warrants, and other authorities as aforesaid will by law be vacated and become void; and whereas, by reason of the remoteness of divers of such plantations, colonies, and possessions, it hath been found and is impracticable to renew such patents, commissions, warrants, and authorities, so as that the renewal thereof should within the period aforesaid be signified and take effect within the said plantations, colonies, and possessions, and the governors and officers administering the government thereof, and other his Majesty's officers therein, must, notwithstanding the expiration of such their commissions, continue in the exercise of the powers and authorities thereby in them vested, in the same manner as if such commissions had not deter-

All powers vested in governors of colonies, &c. by patent or commission of his late Majesty to continue in force until new patents shall be issued and made known in such colonies.

mined: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that powers and authorities, whether vested in any governor, lieutenant-governor, or officer administering the government of any of his Majesty's plantations, colonies, or possessions abroad, or in any officer or officers within any such plantation, colony, or possession, by any patent, commission, or warrant which hath determined or will determine by the demise of his said late Majesty, shall continue in full force and virtue until a new patent, commission, or warrant for the administration of any such government, or for the exercise of any such office, shall be issued by his Majesty, or on his behalf or under his authority, and until the issuing of any such new patent, commission, or warrant shall be signified and made known within the plantation, colony, or plantation abroad to which the same may relate; and that all acts and deeds which shall in the meantime be done shall be as good, binding, valid, and effectual as if such patent, commission, or warrant had not been vacated or made void, and as if such office or employment had not ceased and determined.

Extending the period at which patents shall become determinable at any future demise of the Crown.

II. And be it further enacted, that no patent, commission, warrant, or other authority for the exercise of any office or employment, civil or military, within any of his Majesty's plantations or possessions abroad, determinable at the pleasure of his Majesty, or of any of his Majesty's heirs and successors, shall by reason of any future demise of the Crown be vacated or become void until the expiration of eighteen calendar months next after any such demise of the Crown as aforesaid.

By 11 Geo. 4, and 1 Wm. 4, cap. 43, persons in possession of offices at the demise of the Crown, and re-appointed thereto, are exempted from fees or stamps in respect thereof. By the same Act the Commissioners of her Majesty's Treasury are to determine the remuneration to be made to those who prepare the new commissions, letters patent, &c.

---

## 1 GULIELMI IV. Cap. XXII.

AN ACT *to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise.* [30*th March* 1831.]

The first section of this Act extends to all colonial possessions the powers given for the examination of witnesses in India 13 Geo. 3, cap. 63.

II. And be it further enacted, when any writ or commission shall issue under the authority of the said recited Act,(1) or of the power herein-before given by this Act, the Judge or Judges to whom the same shall be directed shall have the like power to compel and enforce the attendance and examination of witnesses as the Court whereof they are Judges does or may possess for that purpose in suits or causes depending in such Court. Judges to enforce attendance of witnesses.

(1) [13 Geo. 3, cap. 63.]

---

## 2 GULIELMI IV. Cap. XLIII.

*An Act to continue until the First Day of March one thousand eight hundred and thirty-six, an Act of the Ninth Year of his late Majesty, for the Relief of Insolvent Debtors in India.* [1st June 1832.]

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies until the First Day of March one thousand eight hundred and thirty-three:" and whereas it is expedient that the said Act should be continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Act shall be and the same is hereby continued in force from the said first day of March one thousand eight hundred and thirty-three, until the first day of March one thousand eight hundred and thirty-six.(1) 9 G. 4, c. 73. Recited Act continued till 1st March 1836.

(1) [Further continued (together with the amended Act 5 Wm. 4, cap. 79) by 6 & 7 Wm. 4, cap. 47, till 1st March 1839, and from thence to the end of the then next session of Parliament. See also Act of the Government of India, No. 4 of 1836, in Appendix.]

II. Provided always, and be it enacted, that this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament. Act may be altered this session.

## 2 GULIELMI IV. Cap. LI.

AN ACT *to regulate the Practice and the Fees in the Vice Admiralty Courts Abroad, and to obviate Doubts as to their Jurisdiction.* [23*rd June* 1832.]

Whereas it is expedient that provision should be made for the regulation of the practice to be observed in the suits and proceedings in the Courts of Vice Admiralty in his Majesty's possessions abroad, and for the establishment of fees to be allowed and taken in the said Courts by the respective Judges, officers, and practitioners therein; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, with the advice of his Privy Council, from time to time to make and ordain such rules and regulations as shall be deemed expedient touching the practice to be observed in suits and proceedings in the several Courts of Vice Admiralty at present or hereafter to be established in any of his Majesty's possessions abroad, and likewise from time to time to make, ordain, and establish tables of fees to be taken or received by the Judges, officers, and practitioners in the said Courts, for all acts to be done therein, and also from time to time, as shall be found expedient, to alter any such rules, regulations, and fees, and to make any new regulations and table or tables of fees; and that all such rules, regulations, and fees, after the same shall have been so made and established or altered, from time to time be entered or inrolled in the public books or records of the said Courts, so far as such practice and fees shall relate or apply to each of such Courts respectively.

His Majesty empowered to make regulations and establish fees in the Vice Admiralty Courts abroad.

Regulations and fees to be inrolled in the respective Courts.

II. And be it further enacted, that a copy of every table of fees so to be from time to time made and established or altered shall be laid before the House of Commons within three calendar months next after the making and establishment or alteration thereof respectively, if Parliament shall be then sitting, and if not, then within one calendar month next after the subsequent meeting of Parliament.

The tables of fees to be laid before the House of Commons.

III. And be it further enacted, that the several fees so to be established and no other, shall, from and after the making and establishment thereof, and the entry and inrolment thereof as aforesaid, be deemed and taken to be the lawful fees of the several Judges, officers, ministers, and practitioners of the said respective Courts; and such fees only shall and may be demanded, received, and taken accordingly.

Fees so established to be the only lawful fees.

IV. And to the intent that all such regulations and fees may be promulgated and publicly made known, be it further enacted, that the Judge and Registrar of every such Court shall cause to be kept constantly hung up and preserved in some conspicuous part of every such Court, and in the office of the registrar, a copy of the table of fees so to be from time to time ordained and established in such Courts respectively, so that the said table may be seen and read by all persons having any business in any such Court and office respectively; and that the books or records containing the entries of the said regulations and tables of fees, as the same shall be in force, shall be at all seasonable times open to the inspection of the practitioners and suitors in every such Court.

Copies of the regulations and tables of fees to be hung up in each Court.

V. And be it further enacted, that in all cases in which proceedings may be had in any of the said Vice Admiralty Courts, if any person shall feel himself aggrieved by the charges

Appeal to the High Court of Admiralty in cases of costs.

made by any of the officers or practitioners therein, and the allowance thereof by such Vice Admiralty Court, by reason that such charges are not warranted by the tables herein-before mentioned, it shall be lawful for such person or his agent, under the regulations to be established in pursuance of the powers given by this Act, by summary application to the High Court of Admiralty to have the said charges taxed by the authority thereof.

Vice Admiralty Courts to have jurisdiction in certain maritime causes.

VI. And whereas in certain cases doubts may arise as to the jurisdiction of Vice Admiralty Courts in his Majesty's possessions abroad, with respect to suits for seamen's wages, pilotage, bottomry, damage to a ship by collision, contempt in breach of the regulations and instructions relating to his Majesty's service at sea, salvage, and droits of Admiralty; be it therefore enacted, that in all cases where a ship or vessel, or the master thereof, shall come within the local limits of any Vice Admiralty Court, it shall be lawful for any person to commence proceedings in any of the suits herein-before mentioned in such Vice Admiralty Court, notwithstanding the cause of action may have arisen out of the local limits of such Court, and to carry on the same in the same manner as if the cause of action had arisen within the said limits.

---

## 2 GUIELMI IV. Cap. LIII.

AN ACT *for consolidating and amending the Laws relating to the Payment of Army Prize-Money.* [23*rd June* 1832.]

The first section of this Act repeals several former Acts on the subject, except as to captures previously made, offences previously committed, or repealing clauses contained in such Acts.

All captures hereafter made by the army shall be disposed of as his Majesty shall direct.

II. And be it further enacted, that from and after the passing of this Act, in all captures which shall be made by his Majesty's army, royal artillery, provincial, black, and all other troops in the pay or service of his Majesty or belonging to his Majesty, but in the pay of the United Company of Merchants trading to the East-Indies, or howsoever otherwise paid, of any fortress or possession of his Majesty's enemies, or of any ship or vessel in any road, river, haven, or creek belonging to such fortress or possession, and in all captures, expeditions, or actions from which prize-money, bounty-money, or grant shall arise, the commanders and other officers, and soldiers engaged therein shall have such right and interest as his Majesty shall think fit to order in all the arms, ammunition, stores of war, goods, merchandize, booty, prize, and treasure belonging to the state, or to any public trading company of such enemies, which shall be found in such fortress or possession, or captured in or granted for any such expedition or action, to be divided in such proportions, and according to such general rule of distribution for the army, as shall be established by his Majesty, or in default thereof in such manner as his Majesty shall under his sign manual be pleased to direct.

In all conjunct expeditions, after adjudication by a Court of Admiralty, the shares of the army, as soon as ascertained, to be paid

XXIX. And be it further enacted, that in all conjunct expeditions of his Majesty's land and naval forces, from and after the adjudication of all and every ship or vessel, with their arms, ammunition, tackle, apparel, and furniture, and all the goods, merchandize, and other effects on board the same, and of every other matter or thing subject to such adjudication

over to the treasurer of Chelsea Hospital.

which shall be captured in any road, haven, river, or creek belonging to such fortress or possession, or otherwise, as lawful prize to his Majesty, in any of his Majesty's Courts of Admiralty or Vice Admiralty which shall be duly authorized to take cognizance of the same, and which Courts are hereby required to proceed therein to lawful adjudication, the share and proportion of his Majesty's army, royal artillery, provincial, black, and other troops in the pay of or belonging to his Majesty, or in the pay of the United Company of Merchants trading to the East-Indies, shall, as soon as such shares shall be ascertained, be paid over to the treasurer of Chelsea Hospital, in order that the same may be distributed, subject to the provisions, penalties, rules, remedies, and regulations of this Act.

The remaining sections of this Act contain various regulations affecting the collection, remittance, and appropriation of the shares of booty assigned by the favour of the Crown to the captors. When a claim arises on the part of the Company's troops, it is customary to bring it to the notice of the Crown by petition. For the appropriation of unclaimed shares of prize-money belonging to soldiers and sailors in the service of the East-India Company, see 1 & 2 Geo. 4, cap. 6, and 9 Geo. 4, cap. 50.

---

## 2 & 3 GULIELMI IV. Cap. XCVIII.

AN ACT *for regulating the protesting for Non-payment of Bills of Exchange drawn payable at a Place not being the Place of the Residence of the Drawee or Drawees of the same.* [*9th August* 1832.]

Bills of exchange expressed to be paid in any place other than the residence of the drawee, if not accepted on presentment, may be protested in that place unless amount paid to the holder.

Whereas doubts having arisen as to the place in which it is requisite to protest for non-payment bills of exchange, which on the presentment for acceptance to the drawee or drawees shall not have been accepted, such bills of exchange being made payable at a place other than the place mentioned therein to be the residence of the drawee or drawees thereof, and it is expedient to remove such doubts; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all bills of exchange wherein the drawer or drawers thereof shall have expressed that such bills of exchange are to be payable in any place other than the place by him or them therein mentioned to be the residence of the drawee or drawees thereof, and which shall not on the presentment for acceptance thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such bills of exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such bills of exchange shall have been paid to the holder or holders thereof on the day on which such bills of exchange would have become payable had the same been duly accepted.

## 2 & 3 GULIELMI IV. Cap. CVII.

AN ACT *for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the care and Treatment of Insane Persons in England.* [11*th August* 1832.]

See note at end of Act.

It has been thought desirable to insert the following sections of this Act, with two schedules therein referred to, as affording information indispensable in placing in licensed houses of reception persons having been in the service of the Company who may become afflicted with any form of insanity.

Insane persons not to be received into a licensed house without an order and medical certificate.

XXVII. And be it further enacted, that no person (not being a parish pauper) shall be received into any house licensed for the reception of insane persons in that part of the United Kingdom called England, without an order under the hand of the person by whose direction such insane person (1) is sent, which order shall be according to the form in schedule (B.) annexed to this Act, and in it shall be stated the christian and surname, and place of abode, and the degree of relationship or other circumstance of connection between such person and the insane person, and the true name, age, place of residence, former occupation, and the asylum or other place (if any) in which the insane person shall have been previously confined, and whether such person shall have been found lunatic or of unsound mind under a commission issued for that purpose by the Lord Chancellor or other the person or persons intrusted as aforesaid; nor shall any such person be received into any such house without a medical certificate of two physicians, surgeons, or apothecaries, in the manner directed by this Act; and if any person shall knowingly and wilfully receive any insane person, or person represented or alleged to be insane, to be taken care of or confined in any house licensed under this Act, without such order and medical certificate, and without making, within three clear days after the reception of such patient, a minute or entry in writing in a book to be kept for that purpose, according to the form in schedule (M.) annexed to this Act, of the true name of the patient, and also the christian and surname, occupation, and place of abode of the person by whom such patient shall be brought, every person so offending shall be deemed guilty of a misdemeanor.

(1) [By section 2 all persons who are idiot, lunatic, or of unsound mind, are declared to be included within the term "Insane Persons."]

Medical certificate of insanity.

XXVIII. And be it further enacted, that every medical certificate upon which any order shall be given for the confinement of any person (not a parish pauper) in a house licensed under this Act shall be according to the form in schedule (C.) annexed to this Act, and shall be signed by two medical practitioners, not being in partnership, and each of them being a physician, surgeon, or apothecary (1) who shall have separately visited and personally examined the patient to whom it relates not more than seven clear days previous to such confinement, and such certificate shall be signed and dated on the day on which he or she shall have been so examined, and shall state that such person is insane and proper to be

confined; and every such certificate for the confinement of any person in a house licensed under this Act shall, if the same be not signed by two medical practitioners, state the special circumstance which shall have prevented the patient being visited by two medical practitioners; and any patient may under such special circumstance be admitted into any such house upon the certificate of one medical practitioner, provided such certificate shall be further signed by some other medical practitioner within seven days next after the admission of such patient into any such house as aforesaid; and any person who shall, knowingly and with intention to deceive, sign any such medical certificate, untruly setting forth any of the particulars required by this Act, shall be deemed guilty of a misdemeanor: provided always, that no physician, surgeon, or apothecary shall sign any certificate of admission of a patient to any licensed house who is wholly or partly the proprietor or the regular professional attendant of such licensed house, nor shall any physician, surgeon, or apothecary sign any certificate for the reception of a patient into any such house, of which his father, son, brother, or partner is wholly or in part proprietor or the regular professional attendant, on pain of being deemed guilty of a misdemeanor.

Physicians, &c. not to sign certificates of admission if interested.

(1) In section 2 the word "Physician" is defined to mean any Fellow or Licentiate of the Royal College of Physicians in London; the word "Surgeon" any member of the Royal College of Surgeons in London; and by the word "Apothecary" any person authorized to practice under 55 Geo. 3, cap. 194, or 6 Geo. 4, cap. 133.]

Act not to extend to Bethlehem Hospital, or to County Lunatic Asylums.

48 G. 3, c. 96.

9 G. 4, c. 40.

LXII. Provided always, and be it further enacted, that nothing in this Act contained shall be construed to extend to the Royal Hospital of Bethlehem, or any building erected adjacent thereto, for the confinement of criminal lunatics, or to the Royal Military or Naval Hospitals, or to any lunatic asylum already erected and established under an Act passed in the Forty-eighth year of the reign of his late Majesty King George the Third, intituled, "An Act for the better care and maintenance of Lunatics, being Paupers or Criminals, in England," or erected and established, or hereafter to be erected and established, under the provisions of an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the care and maintenance of Pauper and Criminal Lunatics in England."

Nothing herein to extend to public hospitals or institutions, except as to visitations, and to the transmission of names of patients.

LXIII. Provided also, and be it further enacted, that nothing in this Act contained shall extend to any public hospital or parts of public hospitals, or other charitable institutions supported wholly or partly by voluntary contributions, or by applying the excess of payments of the more affluent in reduction of the payment by persons in more limited circumstances, excepting so far as relates to visitations appointed by the Lord Chancellor or other the person or persons intrusted as aforesaid, or his Majesty's principal secretary of state for the home department, and the transmission in the month of August in every year of a full and complete report, according to the form in schedule (M.) to this Act, of every patient confined therein or who shall have been confined therein within the twelve months preceding, and ending on the thirty-first day of July, to the Lord Chancellor or other person or persons intrusted as aforesaid, and also the clerk of the Metropolitan Commissioners, who shall file and preserve the same for the inspection of the said Metropolitan Commissioners.

## Schedule (B.)

Statement and Order to be annexed to the Medical Certificates authorizing the reception of an Insane Person.

The patient's true christian and surname at full length ... ... ...
The patient's age ... ... ... ...
Married or single ... ... ... ...
The patient's previous occupation (if any) ...
The patient's previous place of abode ...
The licensed house or other place (if any) in which the patient was before confined
Whether found lunatic by inquisition, and date of commission ... ...
Special circumstance which shall prevent the patient being separately examined by two medical practitioners ...
Special circumstance which exists to prevent the insertion of any of the above particulars ... ... ...

---

Sir,—Upon the authority of the above statement, and the annexed medical certificates, I request you will receive the said as a patient into your house.

I am, Sir,

Your obedient Servant,

Name ... ... ... ... ... _____
Occupation (if any) ... ... ... _____
Place of abode ... ... ... ... _____
Degree of relationship (if any) to the insane person ... ... ... _____

To Mr.
Proprietor of

SCHEDULE (C)

Form of Medical Certificates.

I, the undersigned, hereby certify, that I separately visited, and personally examined the person named in the annexed statement and order, on the day of one thousand eight hundred and and that the said is of unsound mind, and a proper person to be confined.

(Signed) Name ... ... ... ... ...
Physician, Surgeon, or Apothecary ...
Place of abode ... ... ... ...

I, the undersigned, hereby certify, that I separately visited, and personally examined the person named in the annexed statement and order, on the day of one thousand eight hundred and and that the said is of unsound mind, and a proper person to be confined.

(Signed) Name ... ... ... ... ...
Physician, Surgeon, or Apothecary ...
Place of abode ... ... ... ...

Schedule M, referred to in section 27, is not inserted, as it refers solely to duties to be performed by the keeper of a licensed house for the reception of insane persons.

The duration of this Act was limited to three years, but it has been continued by later enactments as well as an Act passed to amend it (3 & 4 Wm. 4, cap. 64), no part of which it is necessary to insert here. The 1 & 2 Vict. cap. 73, continues both Acts till the 10th August 1841, and from thence to the end of the then next session of Parliament.

---

## 2 & 3 GULIELMI IV. Cap. CXVII.

AN ACT *to amend the Law relating to the Appointment of Justices of the Peace, and of Juries, in the East-Indies.* [16*th August* 1832.]

Whereas it is expedient that other persons besides the covenanted servants of the United Company of Merchants of England trading to the East-Indies, or other British inhabitants of the East-Indies, should be capable of being appointed to the office of justice of the peace

within and for the towns of Calcutta, Madras, and Bombay; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that in the manner prescribed by law for the nomination and appointment of persons now eligible to the office of justice of the peace in the territories in the possession and under the Government of the said Company, and subject, except as to the taking of any oaths, to the other provisions of the law which relate to the said office, it shall and may be lawful for the Governor-general in Council of Fort William in Bengal, the Governor in Council of Fort St. George, and the Governor in Council of Bombay, respectively for the time being to nominate and appoint, in the name of the King's Majesty, his heirs and successors, any persons resident within the territories aforesaid, and not being the subjects of any foreign state, whom the said Governor-general in Council and Governors in Council respectively shall think properly qualified, and who will bind themselves by such oaths or solemn affirmations as may from time to time be prescribed in that behalf by the said Governor-general in Council and Governors in Council respectively, to act within and for the towns of Calcutta, Madras, and Bombay respectively, as justices of the peace; and the persons so to be nominated and appointed to act as justices of the peace within and for the towns aforesaid shall have full power and authority to act as such justices of the peace, but according only to the tenor of the respective commissions wherein such persons shall be so nominated and appointed.

Governors in Council empowered to authorize any persons to act as justices of the peace.

II. And whereas by an Act passed in the seventh year of the reign of his late Majesty King George the Fourth, intituled, "An Act to regulate the Appointment of Juries in the East-Indies," it is, amongst other things, provided and enacted, that the grand juries in all cases, and all juries for the trial of persons professing the Christian religion, shall consist wholly of persons professing the Christian religion: and whereas it is expedient to repeal such enactment; be it therefore enacted, that from and after the first day of July one thousand eight hundred and thirty-two, the said recited provision and enactment shall be and the same is hereby repealed.

7 G. 4, c. 37, s. 3, repealed as to limitation of jurors to Christians.

---

## 2 & 3 GULIELMI IV. Cap. CXXIII.

### An Act *for abolishing the Punishment of Death in certain cases of Forgery.*

[16*th August* 1832.]

Whereas by an Act passed in the first year of his present Majesty's reign, intituled, "An Act for reducing into one Act all such Forgeries as shall hereafter be punished with Death, and for otherwise amending the Laws relative to Forgery," it was provided, that if any person should after the commencement of that Act be convicted of any forgery or other offence therein named or described, for which he would at the time of the passing of that Act have been liable to the punishment of death, he should not suffer death for the same, unless the same should be made punishable with death by that Act: and whereas by the law and practice now prevailing in Scotland and in Ireland the penalty of death may be awarded, in certain cases, for forgery, for uttering counterfeit instruments, and for false personation: and whereas it is expedient to abolish the punishment of death for offences of that nature, except so far as relates to wills and certain powers of attorney, as herein-after mentioned; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the

1 W. 4, c. 66.

Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that where any person shall after the passing of this Act be convicted of any offence whatsoever for which the said Act enjoins or authorizes the infliction of the punishment of death, or where any person shall after the passing of this Act be convicted in Scotland or Ireland of any offence now punishable with death, which offence shall consist wholly or in part of forging or altering any writing, instrument, matter, or thing whatsoever, or of offering, uttering, or disposing of any writing, instrument, matter, or thing whatsoever, knowing the same to be forged or altered, or of falsely personating another, then and in each of the cases aforesaid the person so convicted of any such offence as aforesaid, or of procuring or aiding or assisting in the commission thereof, shall not suffer death, or have sentence of death awarded against him, but shall be transported beyond the seas for the term of such offender's life.

Persons hereafter convicted of crimes punishable with death under recited Act, shall not suffer death, but shall be transported for life.

The 2d section made certain exceptions from the operation of the Act, in respect of forgeries of wills or testamentary writings, and of powers of attorney for the transfer of stock or receipt of dividends at the Bank of England, South Sea House, or Bank of Ireland, but the punishment of death was abolished with reference also to these excepted cases, by 1 Vic. cap. 84. The same Act left it to the discretion of the Court to sentence the offender to transportation for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, nor less than two years.

III. And in order to prevent justice from being defeated by clerical or verbal inaccuracies, be it enacted, that in all informations or indictments for forging or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or fac-simile thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same; any law or custom to the contrary notwithstanding.

It shall not be necessary to set forth copy or fac-simile of forged instruments in indictment.

---

## 3 & 4 GULIELMI IV. Cap. XLI.

### An Act *for the better Administration of Justice in his Majesty's Privy Council.* [14*th August* 1833.]

Whereas by virtue of an Act passed in a session of Parliament of the second and third years of the reign of his present Majesty, intituled, "An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to his Majesty in Council," it was enacted, that from and after the first day of February one thousand eight hundred and thirty-three, it should be lawful for every person who might theretofore, by virtue either of an Act passed in the twenty-fifth year of the reign of King Henry the Eighth, intituled, "The Submission of the Clergy and Restraint of Appeals," or of an Act passed in the eighth year of the reign of Queen Elizabeth, intituled, "For the avoiding of tedious

2 & 3 W 4, c. 92.

25 H. 8, c. 19.

8 Eliz. c. 5.

Suits in Civil and Marine Causes," have appealed or made suit to his Majesty in his High Court of Chancery, to appeal or make suit to the King's Majesty, his heirs or successors, in Council, within such time, in such manner, and subject to such rules, orders, and regulations for the due and more convenient proceeding, as should seem meet and necessary, and upon such security, if any, as his Majesty, his heirs and successors, should from time to time by order in Council direct: and whereas by letters patent under the great seal of Great Britain, certain persons, members of his Majesty's Privy Council, together with others, being Judges and barons of his Majesty's Courts of Record at Westminster, have been from time to time appointed to be his Majesty's Commissioners for receiving, hearing, and determining appeals from his Majesty's Courts of Admiralty in causes of prize: and whereas, from the decisions of various Courts of judicature in the East-Indies, and in the plantations, colonies, and other dominions of his Majesty abroad, an appeal lies to his Majesty in Council: and whereas matters of appeal or petition to his Majesty in Council have usually been heard before a committee of the whole of his Majesty's Privy Council, who have made a report to his Majesty in Council, whereupon the final judgment or determination hath been given by his Majesty: and whereas it is expedient to make certain provisions for the more effectual hearing and reporting on appeals to his Majesty in Council and on other matters, and to give such powers and jurisdiction to his Majesty in Council as herein-after mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the President for the time being of his Majesty's Privy Council, the Lord High Chancellor of Great Britain for the time being, and such of the members of his Majesty's Privy Council as shall from time to time hold any of the offices following, that is to say, the office of lord keeper or first lord commissioner of the great seal of Great Britain, lord chief justice or judge of the Court of King's Bench, master of the Rolls, vice chancellor of England, lord chief justice or judge of the Court of Common Pleas, lord chief baron or baron of the Court of Exchequer, judge of the Prerogative Court of the Lord Archbishop of Canterbury, judge of the high Court of Admiralty, and chief judge of the Court in Bankruptcy, and also all persons, members of his Majesty's Privy Council, who shall have been President thereof or held the office of lord chancellor of Great Britain, or shall have held any of the other offices herein-before mentioned, shall form a committee of his Majesty's said Privy Council, and shall be styled "The Judicial Committee of the Privy Council:" provided nevertheless, that it shall be lawful for his Majesty from time to time, as and when he shall think fit, by his sign manual, to appoint any two other persons, being privy councillors, to be members of the said committee.

Certain persons to form a Committee, to be styled "The Judicial Committee of the Privy Council."

II. And be it further enacted, that from and after the first day of June one thousand eight hundred and thirty-three all appeals or applications in prize suits and in all other suits or proceedings in the Courts of Admiralty, or Vice Admiralty Courts, or any other Court in the plantations in America and other his Majesty's dominions or elsewhere abroad, which may now, by virtue of any law, statute, commission or usage, be made to the high Court of Admiralty in England, or to the Lords Commissioners in prize cases, shall be made to his Majesty in Council, and not to the said high Court of Admiralty in England or to such Commissioners as aforesaid; and such appeals shall be made in the same manner and form and within such time wherein such appeals might, if this Act had not been passed, have been made to the said high Court of Admiralty or to the Lords Commissioners in prize cases respectively; and that all laws or statutes now in force with respect to any such appeals or applications shall apply to any appeals to be made in pursuance of this Act to his Majesty in Council.

Appeals from Vice Admiralty Courts abroad, &c. to be made to the King in Council.

All appeals from sentence of any Judge, &c. to be referred by his Majesty to the committee to report thereon.

III. And be it further enacted, that all appeals or complaints in the nature of appeals whatever, which either by virtue of this Act, or of any law, statute, or custom, may be brought before his Majesty, or his Majesty in Council, from or in respect of the determination, sentence, rule, or order of any Court, judge, or judicial officer, and all such appeals as are now pending and unheard, shall from and after the passing of this Act be referred by his Majesty to the said judicial committee of his Privy Council, and that such appeals, causes, and matters shall be heard by the said judicial committee, and a report or recommendation thereon shall be made to his Majesty in Council for his decision thereon as heretofore, in the same manner and form as has been heretofore the custom with respect to matters referred by his Majesty to the whole of his Privy Council, or a committee thereof (the nature of such report or recommendation being always stated in open Court).

No matter to be heard unless in presence of four members of the committee.

V. And be it further enacted, that no matter shall be heard, nor shall any order, report, or recommendation be made, by the said judicial committee, in pursuance of this Act, unless in the presence of at least four members of the said committee; and that no report or recommendation shall be made to his Majesty, unless a majority of the members of such judicial committee present at the hearing shall concur in such report or recommendation: provided always, that nothing herein contained shall prevent his Majesty, if he shall think fit, from summoning any other of the members of his said Privy Council to attend the meetings of the said committee.

Evidence may be taken *viva voce*, or upon written depositions.

VII. And be it enacted, that it shall be lawful for the said judicial committee, in any matter which shall be referred to such committee, to examine witnesses by word of mouth, (and either before or after examination by deposition), or to direct that the depositions of any witness shall be taken in writing by the registrar of the said Privy Council, to be appointed by his Majesty as hereinafter-mentioned, or by such other person or persons, and in such manner, order, and course, as his Majesty in Council, or the said judicial committee, shall appoint and direct; and that the said registrar, and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the High Court of Chancery, or of any Court ecclesiastical.

Committee may order any particular witnesses to be examined, and as to any particular facts, and may remit causes for rehearing.

VIII. And be it enacted, that in any matter which shall come before the said judicial committee, it shall be lawful for the said committee to direct that such witnesses shall be examined or re-examined, and as to such facts as to the said committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter; and it shall also be lawful for his Majesty in Council, on the recommendation of the said committee, upon any appeal, to remit the matter which shall be the subject of such appeal to the Court from the decision of which such appeal shall have been made, and at the same time to direct that such Court shall rehear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence though before rejected, or reject such evidence before admitted, as his Majesty in Council shall direct; and further, on any such remitting or otherwise, it shall be lawful for his Majesty in Council to direct that one or more feigned issue or issues shall be tried in any Court in any of his Majesty's dominions abroad, for any purpose for which such issue or issues shall to his Majesty in Council seem proper.

Witnesses to be examined on oath, and to be liable to punishment for perjury.

IX. And be it enacted, that every witness who shall be examined in pursuance of this Act, shall give his or her evidence upon oath, or if a Quaker or Moravian (1) upon solemn affirmation, which oath and affirmation respectively shall be administered by the said judicial

committee and registrar, and by such other person or persons as his Majesty in Council, or the said judicial committee shall appoint; and that every such witness who shall wilfully swear or affirm falsely, shall be deemed guilty of perjury, and shall be punished accordingly.

(1) [*Vide* 3 & 4 Wm. 4, cap. 82, and 1 & 2 Vic. cap. 77.]

Committee may direct an issue to try any fact;

X. And be it enacted, that it shall be lawful for the said judicial committee to direct one or more feigned issue or issues to be tried in any Court of common law, and either at bar, before a judge of assize, or at the sittings for the trial of issues in London or Middlesex, and either by a special or common jury, in like manner and for the same purpose as is now done by the High Court of Chancery.

may, in certain cases, direct depositions to be read at the trial of the issue;

XI. And be it enacted, that it shall be in the discretion of the said judicial committee to direct that, on the trial of any such issue, the depositions already taken of any witness who shall have died, or who shall be incapable to give oral testimony, shall be received in evidence; and further, that such deeds, evidences, and writings shall be produced, and that such facts shall be admitted, as to the said committee shall seem fit.

may make such orders as to the admission of evidence as are made by the Court of Chancery;

XII. And be it enacted, that it shall be lawful for the said judicial committee to make such and the like orders respecting the admission of persons, whether parties or others, to be examined as witnesses upon the trial of any such issues as aforesaid, as the Lord High Chancellor or the Court of Chancery has been used to make respecting the admission of witnesses upon the trial of issues directed by the Lord Chancellor or the Court of Chancery.

and may direct new trials of issues.

XIII. And be it enacted, that it shall be lawful for the said judicial committee to direct one or more new trial or new trials of any issue, either generally or upon certain points only; and that in case any witness examined at a former trial of the same issue shall have died, or have, through bodily or mental disease or infirmity, become incapable to repeat his testimony, it shall be lawful for the said Committee to direct that parol evidence of the testimony of such witness shall be received.

Powers, &c. of 13 G. 3, c. 63, and 1 W. 4, c. 22, with regard to examination of witnesses, applied to the judicial committee.

XIV. And whereas by an Act passed in the thirteenth year of his late Majesty King George the Third, and intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company, as well in India as in Europe," and by an Act passed in the first year of the reign of his present Majesty, and intituled, "An Act to enable the Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise," certain powers are given to certain Courts therein mentioned to enforce, and provisions are made for the examination of witnesses by commission, upon interrogatories and otherwise; be it therefore further enacted, that all the powers and provisions contained in the two last-mentioned Acts, or either of them, shall extend to and be exercised by the said judicial committee in all respects as if such committee had been therein named as one of his Majesty's Courts of Law at Westminster.

Costs to be in the discretion of the Committee.

XV. And be it enacted, that the costs incurred in the prosecution of any appeal or matter referred to the said judicial committee, and of such issues as the same committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid registrar, or such other person or persons, to be appointed by his Majesty in Council or the said judicial committee, and in such manner as the said Committee shall direct.

Decrees to be enrolled.

XVI. And be it further enacted, that the orders or decrees of his Majesty in Council made, in pursuance of any recommendation of the said judicial committee, in any matter of appeal from the judgment or order of any Court or Judge, shall be enrolled, for safe custody, in such manner, and the same may be inspected and copies thereof taken under such regulations, as his Majesty in Council shall direct.

Committee may refer matters to registrar in same manner as matters are by Court of Chancery referred to a Master.

XVII. And be it further enacted, that it shall be lawful for the said Committee to refer any matters to be examined and reported on to the aforesaid Registrar, or to such other person or persons as shall be appointed by his Majesty in Council or by the said Judicial Committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a Master of the said Court; and that for the purposes of this Act the said Registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a Master in Chancery.

Attendance of witnesses, and production of papers, &c., may be compelled by subpœna.

XIX. And be it further enacted, that it shall be lawful for the President for the time being of the said Privy Council to require the attendance of any witnesses, and the production of any deeds, evidences, or writings, by writ to be issued by such president in such and the same form, or as nearly as may be, as that in which a writ of subpœna *ad testificandum* or of subpœna *duces tecum* is now issued by his Majesty's Court of King's Bench at Westminster; and that every person disobeying any such writ so to be issued by the said President shall be considered as in contempt of the said judicial committee, and shall also be liable to such and the same penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said Court.

Time of appealing.

XX. And be it further enacted, that all appeals to his Majesty in Council shall be made within such times respectively within which the same may now be made, where such time shall be fixed by any law or usage, and where no such law or usage shall exist, then within such time as shall be ordered by his Majesty in Council; and that, subject to any right subsisting under any Charter or constitution of any colony or plantation, it shall be lawful for his Majesty in Council to alter any usage as to the time of making appeals, and to make any order respecting the time of appealing to his Majesty in Council.

Decrees for Courts abroad to be carried into effect as the King in Council shall direct.

XXI. And be it further enacted, that the order or decreee of his Majesty in Council on any appeal from the order, sentence, or decree of any Court of justice in the East-Indies, or of any colony, plantation, or other his Majesty's dominions abroad, shall be carried into effect in such manner, and subject to such limitations and conditions, as his Majesty in Council shall, on the recommendation of the said judicial committee, direct; and it shall be lawful for his Majesty in Council, on such recommendation, by order, to direct that such Court of justice shall carry the same into effect accordingly, and thereupon such Court of justice shall have the same powers of carrying into effect and enforcing such order or decree, as are possessed by or are hereby given to his Majesty in Council; provided always, that nothing in this Act contained shall impeach or abridge the powers, jurisdiction, or authority of his Majesty's Privy Council as heretofore exercised by such Council, or in anywise alter the constitution or duties of the said Privy Council, except so far as the same are expressly altered by this Act, and for the purposes aforesaid.

Act not to abridge powers of Privy Council.

His Majesty may direct the East-India Company to bring on appeals from the Sudder Dewanny Adawlut Courts to a hearing.

XXII. And whereas various appeals to his Majesty in Council from the Courts of Sudder Dewanny Adawlut at the several presidencies of Calcutta, Madras, and Bombay in the East-Indies, have been admitted by the said Courts, and the transcripts of the proceedings in appeal have been from time to time transmitted under the seal of the said Courts, through the United

Company of Merchants in England trading to the East-Indies, to the office of his Majesty's said Privy Council, but the suitors in the causes so appealed have not taken the necessary measures to bring on the same to a hearing; be it therefore further enacted by the authority aforesaid, that it shall be lawful for his Majesty in Council to give such directions to the said United Company and other persons, for the purpose of bringing to a hearing before the said committee the several cases appealed, or hereafter to be appealed to his Majesty in Council from the several Courts of Sudder Dewanny Adawlut in the East-Indies, and for appointing agents and counsel for the different parties in such appeals, and to make such orders for the security and payment of the costs thereof, as his said Majesty in Council shall think fit; and thereupon such appeals shall be heard and reported on to his Majesty in Council, and shall be by his Majesty in Council determined in the same manner, and the judgments, orders, and decrees of his Majesty in Council thereon, shall be of the same force and effect, as if the same had been brought to a hearing by the direction of the parties appealing in the usual course of proceeding: provided always, that such last-mentioned powers shall not extend to any appeals from the said Courts of Sudder Dewanny Adawlut other than appeals in which no proceedings have been or shall hereafter be taken in England on either side for a period of two years subsequent to the admission of the appeal by such Court of Sudder Dewanny Adawlut.

Orders made on such appeals to have effect notwithstanding death of parties, &c.

XXIII. And be it enacted, that in any case where any order shall have been made on any such appeal as last aforesaid, the same shall have full force and effect notwithstanding the death of any of the parties interested therein; but that in all cases where any such appeal may have been withdrawn or discontinued, or any compromise made in respect of the matter in dispute, before the hearing thereof, then the determination of his Majesty in Council in respect of such appeal shall have no effect.

His Majesty empowered to make orders for regulating the mode, &c. of such appeals.

XXIV. And be it further enacted, that it shall be lawful for his Majesty in Council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the said Courts of Sudder Dewanny Adawlut, or any other Courts of judicature in India or elsewhere to the eastward of the Cape of Good Hope, (from the decisions of which an appeal lies to his Majesty in Council), and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expences attending the said appeals, and as to the amount or value of the property in respect of which any such appeal may be made.

Power of enforcing decrees.

XXVIII. And be it enacted, that the said judicial committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and that his Majesty in Council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees, and orders, as are now exercised by the High Court of Chancery or the Court of King's Bench (and both *in personam* and *in rem*), or as are given to any Court ecclesiastical by an Act of Parliament passed in a session of Parliament of the second and third years of the reign of his present Majesty, intituled, "An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland;" and that all such powers as are given to Courts Ecclesiastical, if of punishing contempts or of compelling appearances, shall be exercised by the said judicial committee, and if of enforcing decrees and orders shall be exercised by his Majesty in Council, in such and the same manner as the powers in and by such Act of Parliament given, and shall be of as much force and effect as if the same had been thereby expressly given to the said committee or to his Majesty in Council.

2 & 3 W. 4, c. 93.

Retired Judges attending the Judicial Committee to receive an allowance.

XXX. And be it enacted, that two members of his Majesty's Privy Council who shall have held the office of judge in the East-Indies or any of his Majesty's dominions beyond the seas, and who, being appointed for that purpose by his Majesty, shall attend the sittings of the Judicial Committee of the Privy Council, shall severally be entitled to receive over and above any annuity granted to them in respect of having held such office as aforesaid, the sum of four hundred pounds for every year during which they shall so attend as aforesaid, as an indemnity for the expense which they may thereby incur; and such sum of four hundred pounds shall be chargeable upon and paid out of the consolidated fund of the United Kingdom of Great Britain and Ireland.

---

## 3 & 4 GULIELMI IV. Cap. XLIX.

AN ACT *to allow Quakers and Moravians to make Affirmation in all Cases where an Oath is or shall be required.* [28*th August* 1833.]

Whereas it is expedient and reasonable that the solemn affirmation of persons of the persuasion of the people called Quakers, and of Moravians, should be allowed in all cases where an oath is or shall be required; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every person of the persuasion of the people called Quakers, and every Moravian, be permitted to make his or her solemn affirmation or declaration, instead of taking an oath, in all places and for all purposes whatsoever where an oath is or shall be required either by the common law or by any Act of Parliament already made or hereafter to be made, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which if the same had been in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding: provided always, that every such affirmation or declaration shall be in the words following; (that is to say,)

Quakers and Moravians permitted to make a solemn affirmation or declaration instead of an oath.

Penalty on affirming or declaring falsely.

Form of declaration.

"I, *A. B.*, being one of the people called Quakers [or one of the persuasion of the "people called Quakers, or of the United Brethren called Moravians, as the case may "be], do solemnly, sincerely, and truly declare and affirm."

The 3 & 4 Wm. 4, cap. 82, allows the people called "Separatists" to make a solemn affirmation and declaration instead of an oath. The 1st and 2d Vict. permits an affirmation to be made instead of an oath by persons having been Quakers or Moravians, although they may have ceased to belong to those denominations.

## 3 & 4 GULIELMI IV. Cap. LII.

AN ACT *for the general Regulation of the Customs.*

[28*th August* 1833.]

Several sections of this Act contain provisions specially relating to the trade of the East-India Company; but these being necessarily inoperative during the suspension of that trade, are omitted. Those provisions which prescribe the modes of proceeding in the Customs department, and which constitute the larger portion of the Act, are also omitted, as well as others of local or particular application.

To be produced to officers in colonies, &c.

IV. And be it further enacted, that before any ship shall be cleared out or depart from any place in any of the British possessions abroad, or from any place in China, with any goods for the United Kingdom or for the Isle of Man, the master of such ship shall produce the manifest to the collector or controller of the Customs, or other proper officer, who shall certify upon the same the date of the production thereof to him: provided always, that in all places within the territorial possessions of the East-India Company the servant of the said Company by whom the last dispatches of such ship shall be delivered shall be the proper officer to authenticate the manifest as aforesaid; and in all places in China the chief supercargo (1) of the said Company shall be the proper officer for such purpose.

(1) [The Company have now no establishment in China.]

After some provisions regulating the mode of granting abatement of duties on account of damage, the following occurs.

No abatement for certain goods.

XXXII. Provided always, and be it further enacted, that no abatement of duties shall be made on account of any damage received by any of the sorts of goods herein-after enumerated; (that is to say,)

| | | | |
|---|---|---|---|
| Cocoa, | Pepper, | Figs, | Lemons, |
| Coffee, | Currants, | Tobacco, | and Wine. |
| Oranges, | Raisins, | | |

In reference to the section following, it is proper to remark that some variation exists between its provisions and those on the same subject in 6 & 7 Wm. 4, cap. 26, which Act was renewed by 1 Vic. cap. 27, 1 & 2 Vic. cap. 33, and 2 & 3 Vic. cap. 21.

Certificate of sugar from limits of Charter;

XXXVIII. And be it further enacted, that before any sugar shall be entered as being the produce of any British possession within the limits of the East-India Company's Charter, the master of the ship importing the same shall deliver to the collector or controller a certificate under the hand and seal of the proper officer at the place where such sugar was taken on

board, testifying that oath had been made before him, by the shipper of such sugar, that the same was really and *bonâ fide* the produce of such British possession; and such master shall also make and subscribe a declaration before the collector or controller, that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.

Master to declare to certificate.

Importation direct.

XLVIII. And be it further enacted, that no goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the same shall have been actually landed at such place.

Prohibitions and restrictions absolute or modified.

LVIII. And be it further enacted, that the several sorts of goods enumerated or described in the table following, denominated, "A Table of Prohibitions and Restrictions Inwards," shall either be absolutely prohibited to be imported into the United Kingdom, or shall be imported only under the restrictions mentioned in such table, according as the several sorts of such goods are respectively set forth therein; (that is to say,)

## A TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

### A List of Goods absolutely prohibited to be imported.

Arms, ammunition, and utensils of war, by way of merchandize, except by licence from his Majesty, for furnishing his Majesty's public stores only.

* * * * * * *

Books; *viz.*

——— first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, imported for sale, except books not reprinted in the United Kingdom within twenty years; or being parts of collections, the greater parts of which had been composed or written abroad.

* * * * * * *

Clocks and watches of any metal, impressed with any mark or stamp appearing to be or to represent any legal British assay, mark, or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom, or not having the name and place of abode of some foreign maker abroad visible on the frame and also on the face, or not being in a complete state, with all the parts properly fixed in the case.

Coin; *viz.*

——— False money, or counterfeit sterling.

Silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

* * * * * * *

Gunpowder; except by licence from his Majesty, such licence to be granted for the furnishing his Majesty's stores only.

* * * * * *

Snuff-work.

* * * * * * *

Tobacco stalks stripped from the leaf, whether manufactured or not.

Tobacco stalk flour.

List of Goods subject to certain Restrictions on Importation.

* * * * * * *

East India; goods of places within the limits of the East-India Company's Charter, unless into such ports as shall be approved of by the Lords of the Treasury, and declared by order in Council to be fit and proper for such importation.

Gloves of leather, unless in ships of 70 (1) tons or upwards, and in packages containing 100 dozen pairs of such gloves.

Hides, skins, horns, or hoofs, or any other part of cattle or beast, his Majesty may by order in Council prohibit, in order to prevent any contagious distemper.

Parts of articles; *viz.*

——————Any distinct or separate part of any article not accompanied by the other part or all the other parts of such article, so as to be complete and perfect, if such article be subject to duty according to the value thereof.

* * * * * * *

Spirits, not being perfumed or medicinal spirits; *viz.*

———All spirits, unless in ships of 70 (1) tons or upwards.

———Rum of and from the British plantations, if in casks, unless in casks containing not less than 20 gallons. (2)

* * * * * * *

Tobacco and snuff; *viz.*

——————Unless in a ship of the burthen of 120 tons or upwards.

* * * * * * *

——————Segars, unless in packages containing 100lbs. weight of segars.

——————All other tobacco and snuff, unless in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff at least 100lbs. weight if from the East-Indies, or 450lbs. weight if from any other place, and not packed in bags or packages within any such hogshead, cask, chest, or case, nor separated nor divided in any manner whatever, except tobacco of the dominions of the Turkish empire, which may be packed in inward bags or packages, or separated or divided in any manner within the outward package, provided such outward package be a hogshead, cask, chest, or case, and contain 450lbs. net at least.

——————and unless the particular weight of tobacco or snuff in each hogshead, cask, chest, or case, with the tare of the same, be marked thereon.

——————and unless into the ports of London, Liverpool, Bristol, Lancaster, Cowes, Falmouth, Whitehaven, Hull, Port Glasgow, Greenock, Leith, Newcastle-upon-Tyne, Plymouth, Belfast, Cork, Drogheda, Dublin, Galway, Limerick, Londonderry, Newry, Sligo, Waterford, and Wexford.

——————or into some other port or ports which may hereafter be appointed for such purpose by the Lords Commissioners of his Majesty's Treasury; such appointments in Great Britain being published in the *London Gazette*, and such appointments in Ireland being published in the *Dublin Gazette*.

——————but any ship wholly laden with tobacco may come into the ports of Cowes or Falmouth to wait for orders, and there remain fourteen days, provided due report of such ship be made by the master with the collector or controller of such port.

* * * * * * *

Forfeiture. And if any goods shall be imported into the United Kingdom contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited.

(1) [By 6 & 7 Will. 4, cap. 60, sec. 5, goods the importation of which was previously restricted to vessels of 70 tons burden, may be imported in vessels of 60 tons.]

(2) [By 6 & 7 Will. 4, cap. 60, sec. 4, all spirits may be imported in casks of not less than 20 gallons.]

But goods may be warehoused for exportation only, although prohibited. LIX. Provided always, and be it further enacted, that any goods, of whatsoever sort, may be imported into the United Kingdom to be warehoused under the regulations of any Act in force for the time being for the warehousing of goods, without payment of duty at the time of the first entry thereof, or notwishstanding that such goods may be prohibited to be imported into the United Kingdom to be used therein, except the several sorts of goods

Exceptions. enumerated or described in manner following; (that is to say), goods prohibited on account of the package in which they are contained, or the tonnage of the ship in which they are laden; tea and goods from China in other than British ships, or by other persons than the East-India Company during the continuance of their exclusive privileges of trade; (1) gunpowder, arms, ammunition, or utensils of war; dried or salted fish, not being stock fish; (2) infected hides, skins, horns, hoofs, or any other part of any cattle or beast; counterfeit coin or tokens; books first composed or written or printed and published in the United Kingdom, and reprinted in any other country or place; copies of prints first engraved, etched, drawn, or designed in the United Kingdom; copies of casts of sculptures or models first made in the United Kingdom; clocks or watches, being such as are prohibited to be imported for home use.

(1) [The trade with China is now open under 3 & 4 Will. 4, cap. 93.]

(2) [Repealed as to Salted and Dried Fish by 1 & 2 Vict. cap. 113, sec. 7.]

Terms used in Acts. CXIX. And in order to avoid the frequent use of numerous terms and expressions in this Act, and in other Acts relating to the customs, and to prevent any misconstruction of the terms and expressions used therein; be it further enacted, that whenever the several terms or expressions following shall occur in this Act, or in any other Act relating to the customs, or to trade and navigation, the same shall be construed respectively in the manner herein-after

Ship. directed; (that is to say), that the term "ship" shall be construed to mean ship or vessel generally, unless such term shall be used to distinguish a ship from sloops, brigantines, and other

Master. classes of vessels; that the term "master" of any ship shall be construed to mean the person

Owner or owners. having or taking the charge or command of such ship; that the term "owners" and the term "owner" of any ship shall be construed alike to mean one owner, if there be only one, and any

Mate. or all the owners, if there be more than one; that the term "mate" of any ship shall be construed to mean the person next in command of such ship to the master thereof; that the term

Seaman. "seaman" shall be construed to mean alike seaman, mariner, sailor, or landsman, being one of

British possession. the crew of any ship; that the term "British Possession" shall be construed to mean colony, plantation, island, territory, or settlement belonging to his Majesty; that the term "His

His Majesty. Majesty" shall be construed to mean his Majesty, his heirs and successors; that the term

East-India Company. "East-India Company" shall be construed to mean the United Company of Merchants of Eng-

land trading to the East-Indies; that the term "limits of the East-India Company's Charter" shall be construed to mean all places and seas eastward of the Cape of Good Hope to the Straits of Magellan; that the terms "collector and controller" shall be construed to mean the collector and controller of the customs of the port intended in the sentence; that whenever mention is made of any public officer, the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept, and secured without payment of duty, or although prohibited to be used in the United Kingdom; that the term "King's warehouse" shall be construed to mean any place provided by the Crown for lodging goods therein for security of the customs.

Charter.

Collector and controller.

Officer.

Warehouse.

King's Warehouse.

CXX. And be it further enacted, that the island of Malta and its dependencies shall be deemed to be in Europe.

Malta in Europe.

CXXVII. And be it further enacted, that the tonnage or burthen of every British ship within the meaning of this Act shall be the tonnage set forth in the certificate of registry of such ship, and that the tonnage or burthen of every other ship shall, for the purposes of this Act, be ascertained in the same manner as the tonnage of British ships is ascertained.

Tonnage or burden of ships declared.

CXXVIII. And be it further enacted, that it shall be lawful for the officers of customs at any port under British dominion where there shall be a collector and controller of the customs to refuse to admit any person to do any act at such port as master of any British ship, unless his name shall be inserted in or have been indorsed upon the certificate of registry of such ship as being the master thereof, or until his name shall have been so indorsed by such collector and controller.

Officers may refuse masters of British ship unless indorsed on register.

---

## 3 & 4 GULIELMI IV. Cap. LIV.

### An Act *for the Encouragement of British Shipping and Navigation.*

[28*th August* 1833.]

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the Encouragement of British Shipping and Navigation," whereby the laws for the encouragement of British shipping and navigation were consolidated and amended: and whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence upon the first day of September, one thousand eight hundred and thirty-three, except where any other commencement is herein particularly directed.

6 G. 4, c. 109.

Commencement of Act.

The second section refers to goods the produce of Europe.

Places from which only goods of Asia, Africa, or America, may be imported.

III. And be it further enacted, that goods, the produce of Asia, Africa, or America, shall not be imported from Europe into the United Kingdom, to be used therein, except the goods herein-after mentioned; (that is to say,)

Goods, the produce of the dominions of the Emperor of Morocco, which may be imported from places in Europe within the Straits of Gibralta r:

Goods, the produce of Asia or Africa, which (having been brought into places in Europe within the Straits of Gibraltar, from or through places in Asia or Africa within those Straits, and not by way of the Atlantic Ocean) may be imported from places in Europe within the Straits of Gibraltar:

Goods, the produce of places within the limits of the East-India Company's Charter, which (having been imported from those places into Gibraltar or Malta in British ships) may be imported from Gibraltar or Malta:

Goods taken by way of reprisal by British ships:

Bullion, diamonds, pearls, rubies, emeralds, and other jewels or precious stones.

Ships in which only goods of Asia, Africa, or America, may be imported.

IV. And be it further enacted, that goods, the produce of Asia, Africa, or America, shall not be imported into the United Kingdom, to be used therein, in foreign ships, unless they be the ships of the country in Asia, Africa, or America, of which the goods are the produce, and from which they are imported, except the goods herein-after mentioned; (that is to say),

Goods, the produce of the dominions of the Grand Seignor, in Asia, or Africa, which may be imported from his dominions in Europe, in ships of his dominions:

Raw silk and mohair yarn, the produce of Asia, which may be imported from the dominions of the Grand Seignor in the Levant Seas, in ships of his dominions:

Bullion.

In reference to the two preceding sections see 1 & 2 Vict. cap. 113, sec. 30.

Manufacture deemed produce.

V. Provided always, and be it further enacted, that all manufactured goods shall be deemed to be the produce of the country of which they are the manufacture.

Section 6, as well as sections 8 and 9, are omitted as unnecessary.

Exports to Asia, &c. and to Guernsey, &c.

VII. And be it further enacted, that no goods shall be exported from the United Kingdom to any British possession in Asia, Africa, or America, nor to the islands of Guernsey, Jersey, Alderney, Sark, or Man, except in British ships.

Between British possessions in Asia, &c.

X. And be it further enacted, that no goods shall be carried from any British possession in Asia, Africa, or Ameriea, to any other of such possessions, nor from one part of any of such possessions to another part of the same, except in British ships.

Imports into British possessions in Asia, &c.

XI. And be it further enacted, that no goods shall be imported into any British possession in Asia, Africa, or America, in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported.

No ship British, unless registered, and navigated as such.

XII. And be it further enacted, that no ship shall be admitted to be a British ship, unless duly registered and navigated as such; and that every British registered ship (so long as the registry of such ship shall be in force, or the certificate of such registry retained for the use of such ship) shall be navigated during the whole of every voyage (whether with a cargo or in ballast), in every part of the world by a master who is a British subject, and by a crew,

whereof three-fourths at least are British seamen; and if such ship be employed in a coasting voyage from one part of the United Kingdom to another, or in a voyage between the United Kingdom and the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of them, or from one part of either of them to another of the same, or be employed in fishing on the coasts of the United Kingdom or of any of the said islands, then the whole of the crew shall be British seamen.

The thirteenth section provides for the admission of vessels under fifteen tons burden to the navigation of rivers and coast-wise, although not registered, and for the employment without registration of vessels not exceeding thirty tons burden in the colonial fisheries.

The fourteenth section relates to ships built at Honduras.

Ship of any foreign country to be of the built of, or prize to such country; or British-built, and owned and navigated by subjects of the country.

XV. And be it further enacted, that no ship shall be admitted to be a ship of any particular country, unless she be of the build of such country; or have been made prize of war to such country; or have been forfeited to such country under any law of the same, made for the prevention of the slave trade, and condemned as such prize or forfeiture by a competent Court of such country; or be British built (not having been a prize of war from British subjects to any other foreign country); nor unless she be navigated by a master who is a subject of such foreign country, and by a crew of whom three-fourths at least are subjects of such country; nor unless she be wholly owned by subjects of such country usually residing therein, or under the dominion thereof: provided always, that the country of every ship shall be deemed to include all places which are under the same dominion as the place to which such ship belongs.

Master and seamen not British, unless natural-born, or naturalized, or denizens, or subjects by conquest or cession, or having served in H. M. ships of war.

Natives of India not to be British seamen.

One British seaman to twenty tons sufficient to constitute a proper crew.

XVI. And be it further enacted, that no person shall be qualified to be a master of a British ship, or to be a British seaman within the meaning of this Act, except the natural-born subjects of his Majesty, or persons naturalized by any Act of Parliament, or made denizens by letters of denization; or except persons who have become British subjects by virtue of conquest or cession of some newly-acquired country, and who shall have taken the oath of allegiance to his Majesty, or the oath of fidelity required by the treaty or capitulation by which such newly-acquired country came into his Majesty's possessions; or persons who shall have served on board any of his Majesty's ships of war in time of war for the space of three years; provided always, that the natives of places within the limits of the East-India Company's Charter, although under British dominion, shall not, upon the ground of being such natives, be deemed to be British seamen: provided always, that every ship (except ships required to be wholly navigated by British seamen) which shall be navigated by one British seaman, if a British ship, or one seaman of the country of such ship, if a foreign ship, for every twenty tons of the burthen of such ship, shall be deemed to be duly navigated, although the number of other seamen shall exceed one-fourth of the whole crew: provided always, that nothing herein contained shall extend to repeal or alter the provisions of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth (1); or consolidating and amending the laws then in force with respect to trade from and to places within the limits of the East-India Company's Charter.

4 G. 4, c. 80.

(1) The only provisions now in force are those relating to Asiatic

seamen, all the remainder of 4 Geo. 4, cap. 80, having been repealed by 3 & 4 Will. 4, cap. 93.]

Foreigners having served two years on board H. M. S. during war.

XVII. Provided always, and be it further enacted, that it shall be lawful for his Majesty, by his royal proclamation during war, to declare that foreigners, having served two years on board any of his Majesty's ships of war in time of such war, shall be British seamen within the meaning of this Act.

British ship not to depart British port unless duly navigated, &c.

XVIII. And be it further enacted, that no British registered ship shall be suffered to depart any port in the United Kingdom, or any British possession in any part of the world, (whether with a cargo or in ballast) unless duly navigated: provided always, that any British ships, trading between places in America, may be navigated by British negroes; and that ships trading eastward of the Cape of Good Hope within the limits of the East-India Company's Charter may be navigated by Lascars, or other natives of countries within those limits. (1)

(1) [See also 4 Geo. 4, cap. 80, sec. 23.]

If excess of foreign seamen, penalty 10*l.* for each; except British seamen cannot be procured in foreign ports, or in India; or proportion destroyed unavoidably; and certificate produced or proof made.

XIX. And be it further enacted, that if any British registered ship shall at any time have, as part of the crew in any part of the world, any foreign seamen not allowed by law, the master or owners of such ship shall for every such foreign seaman forfeit the sum of ten pounds: provided always, that if a due proportion of British seamen cannot be procured in any foreign port, or in any place within the limits of the East-India Company's Charter, for the navigation of any British ship; (1) or if such proportion be destroyed during the voyage by any unavoidable circumstance, and the master of such ship shall produce a certificate of such facts under the hand of any British consul, or of two known British merchants, if there be no consul at the place where such facts can be ascertained, or from the British governor of any place within the limits of the East-India Company's Charter; (1) or in the want of such certificate, shall make proof of the truth of such facts to the satisfaction of the collector and controller of the customs of any British port, or of any person authorized in any other part of the world to inquire into the navigation of such ship, the same shall be deemed to be duly navigated.

(1) [See also 4 Geo. 4, cap. 80, sec. 22.]

Proportion of seamen may be altered by proclamation.

XX. And be it further enacted, that if his Majesty shall, at any time by his royal proclamation, declare that the proportion of British seamen necessary to the due navigation of British ships shall be less than the proportion required by this Act, every British ship navigated with the proportion of British seamen required by such proclamation shall be deemed to be duly navigated, so long as such proclamation shall remain in force.

Goods prohibited only by navigation law may be imported for exportation.

XXI. Provided always, and be it further enacted, that goods of any sort or the produce of any place, not otherwise prohibited than by the law of navigation herein-before contained, may be imported into the United Kingdom from any place in a British ship, and from any place not being a British possession in a foreign ship of any country, and however navigated, to be warehoused for exportation only, under the provisions of any law in force for the time

being, made for the warehousing of goods without payment of duty upon the first entry thereof.

XXII. And be it further enacted, that if any goods be imported, exported, or carried coastwise, contrary to the law of navigation, all such goods shall be forfeited, and the master of such ship shall forfeit the sum of one hundred pounds. Forfeitures how incurred.

XXIII. And be it further enacted, that all penalties and forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like manner as any penalty or forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, under an Act passed in the present session of Parliament for the prevention of smuggling. Recovery of forfeitures.

XXIV. And be it further enacted, that this Act may be altered, varied or repealed, by any Act or Acts to be passed in this present session of Parliament. Act may be altered this session.

---

## 3 & 4 GULIELMI IV. Cap. LV.

AN ACT *for the registering of British Vessels.* [28*th August* 1833.]

It has been deemed necessary to insert the larger portion of this Act, as it will be seen, by section 3, that the servants of the East-India Company may be required to discharge the duties which it prescribes with regard to the registration of vessels.

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the registering of British Vessels," whereby the laws in relation to the registration of British vessels were consolidated and amended: and whereas since the passing of the said Act divers Acts for the further amendment of the law have been found necessary, and it will be of advantage to the trade and commerce of the country that the said Acts should be consolidated into one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence upon the first day of September one thousand eight hundred and thirty-three, except where any other commencement is herein particularly directed. 6 G. 4, c. 110. Commencement of Act.

II. And be it further enacted, that no ship or vessel shall be entitled to any of the privileges or advantages of a British-registered ship unless the person or persons claiming property therein shall have caused the same to have been registered in virtue of the said Act, or of an No vessel to enjoy privileges until registered.

4 G. 4, c. 41.

Act passed in the fourth year of his said late Majesty's reign, intituled, "An Act for the registering of British Vessels," or until such person or persons shall have caused the same to be registered in manner herein-after mentioned, and shall have obtained a certificate of such registry from the person or persons authorized to make such registry and grant such certificate as herein-after directed; the form of which certificate shall be as follows: *videlicit*,

Form of certificate of registry.

"This is to certify, that in pursuance of an Act passed in the fourth year of the reign "of King William the Fourth, intituled, *An Act* [*here insert the title of this Act, the "names, occupations, and residence of the subscribing owners*], having made and sub- "scribed the declaration required by the said Act, and having declared that [he *or* they] "together with [*names, occupations, and residence of non-subscribing owners*] [is *or* "are] sole owner or owners, in the proportions specified on the back hereof, of the ship "or vessel called the [*ship's name*] of [*place to which the vessel belongs*], which is of "the burthen of [*number of tons*], and whereof [*master's name*] is master, and that the "said ship or vessel was [*when and where built, or condemned as prize, referring to "builder's certificate, judge's certificate, or certificate of last registry, then delivered "up to be cancelled*], and [*name and employment of surveying officer*] having certified "to us that the said ship or vessel has [*number*] decks and [*number*] masts, that her "length from the fore part of the main stem to the after part of the stern post aloft is "[*number of feet and inches*], her breadth at the broadest part [*stating whether that "be above or below the main wales*] is [*number of feet and inches*], her [*height between "decks if more than one deck, or depth in the hold if only one deck*] is [*number of feet "and inches*], that she is [*how rigged*] rigged with a [*standing or running*] bowsprit, "is [*description of stern*] sterned, [*carvel or clincher*] built, has [*whether any or no*] "gallery, and [*kind of head if any*] head; and the said subscribing owners having con- "sented and agreed to the above description, and having caused sufficient security to be "given as is required by the said Act, the said ship or vessel called the [*name*] has been "duly registered at the port of [*name of port*]. Certified under our hands at the Custom- "house in the said port of [*name of port*] this [*date*] day of [*name of month*] in the "year [words at length].

"[*Signed*] Collector.
"[*Signed*] Controller."

And on the back of such certificate of registry there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:

| "Names of the several Owners within mentioned. | Number of Sixty-fourth Shares held by each Owner. |
|---|---|
| "[*Name* ... ... ... | ... ... ... *Thirty-two.* |
| "[*Name* ... ... ... | ... ... ... *Sixteen.* |
| "[*Name* ... ... ... | ... ... ... *Eight.* |
| "[*Name* ... ... ... | ... ... ... *Eight.*] |

"[Signed] Collector.
"[Signed] Controller."

Persons authorized to make registry and grant certificates.

III. And be it further enacted, that the persons authorized and required to make such registry and grant such certificates shall be the several persons herein-after mentioned and described; (that is to say,)

The collector and controller of his Majesty's customs in any port in the United Kingdom of Great Britain and Ireland, and in the Isle of Man respectively, in respect of ships or vessels to be there registered: In United Kingdom and Isle of Man:

The principal officers of his Majesty's customs in the Island of Guernsey or Jersey, together with the governor, lieutenant-governor, or commander-in-chief of those islands respectively, in respect of ships or vessels to be there registered: In Guernsey, &c.:

The collector and controller of his Majesty's customs of any port in the British possessions in Asia, Africa, and America, or the collector of any such port at which no appointment of a controller has been made, in respect of ships or vessels to be there registered: In colonies in Asia, Africa, and America:

The collector of duties at any port in the territories under the government of the East-India Company, within the limits of the Charter of the said Company, or any other person of the rank in the said Company's service of senior merchant, or of six years' standing in the said service, being respectively appointed to act in the execution of this Act by any of the governments of the said Company, in respect of ships or vessels to be there registered: In territories of E. I. Company:

The collector of duties at any British possession within the said limits, and not under the government of the said Company, and at which a custom-house is not established, together with the governor, lieutenant-governor, or commander-in-chief of such possession, in respect of ships or vessels to be there registered: In other places within limits of the Charter:

The governor, lieutenant-governor, or commander-in-chief of Malta, Gibraltar, Heligoland, and Cape of Good Hope, respectively, in respect of ships or vessels to be there registered: In Malta, Gibraltar, &c.

Provided always, that no ship or vessel to be registered at Heligoland, except such as is wholly of the built of that place, and that ships or vessels, after having been registered at Malta, Gibraltar, or Heligoland, shall not be registered elsewhere; and that ships or vessels registered at Malta, Gibraltar, or Heligoland, shall not be entitled to the privileges and advantages of British ships in any trade between the said United Kingdom and any of the British possessions in America: provided also, that wherever in and by this Act it is directed or provided that any act, matter, or thing shall and may be done or performed by, to, or with any collector and controller of his Majesty's customs, the same shall or may be done or performed by, to, or with the several persons respectively herein-before authorized and required to make registry, and to grant certificates of registry as aforesaid, and according as the same act, matter, or thing is to be done or performed at the said several and respective places, and within the jurisdiction of the said several persons respectively; provided also, that wherever in and by this Act it is directed or provided that any act, matter, or thing shall or may be done or performed by, to, or with the Commissioners of his Majesty's customs, the same shall or may be done or performed by, to, or with the governor, lieutenant-governor, or commander-in-chief of any place where any ship or vessel may be registered under the authority of this Act, so far as such act, matter, or thing can be applicable to the registering of any ship or vessel at such place.

Limitation as to vessels registered at Malta, Gibraltar, or Heligoland.

Certain powers of collectors and controllers, by whom to be exercised in certain cases.

Powers of commissioners of customs in United Kingdom given to governors, &c. abroad.

IV. And be it further enacted, that in case any ship or vessel not being duly registered, and not having obtained such certificate of registry as aforesaid, shall exercise any of the privileges of a British ship, the same shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel to the same ship or vessel belonging, and shall and may be seized by any officer or officers of his Majesty's customs: provided always, that nothing in this Act shall extend, or be construed to extend, to affect the privileges of any ship or vessel which shall prior to the commencement of this Act have been registered by virtue

Ships exercising privileges before registry to be forfeited;

but not to affect vessels registered under previous Act.

of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the registering of British Vessels."

What ships are entitled to be registered.

V. And be it further enacted, that no ship or vessel shall be registered, or having been registered shall be deemed to be duly registered, by virtue of this Act, except such as are wholly of the built of the said United Kingdom, or of the Isle of Man, or of the Islands of Guernsey or Jersey, or of some of the colonies, plantations, islands, or territories in Asia, Africa, or America, or of Malta, Gibraltar, or Heligoland, which belong to his Majesty, his heirs or successors, at the time of the building of such ships or vessels, or such ships or vessels as shall have been condemned in any Court of Admiralty as prize of war, or such ships or vessels as shall have been condemned in any competent Court as forfeited for the breach of the laws made for the prevention of the slave trade, and which shall wholly belong and continue wholly to belong to his Majesty's subjects duly entitled to be owners of ships or vessels registered by virtue of this Act.

The sixth section regulates the issue of Mediterranean passes to ships belonging to Malta or Gibraltar.

Foreign repairs not to exceed 20s. per ton.

VII. And be it further enacted, that no ship or vessel shall continue to enjoy the privileges of a British ship after the same shall have been repaired in a foreign country, if such repairs shall exceed the sum of twenty shillings for every ton of the burthen of the said ship or vessel, unless such repairs shall have been necessary by reason of extraordinary damage sustained by such ship or vessel during her absence from his Majesty's dominions, to enable her to perform the voyage in which she shall have been engaged, and to return to some port or place in the said dominions; and whenever any ship or vessel which has been so repaired in a foreign country shall arrive at any port in his Majesty's dominions as a British-registered ship or vessel, the master or other person having the command or charge of the same shall, upon the first entry thereof, report to the collector and controller of his Majesty's customs at such port that such ship or vessel has been so repaired, under penalty of twenty shillings for every ton of the burthen of such ship or vessel, according to the admeasurement thereof; and if it shall be proved to the satisfaction of the Commissioners of his Majesty's customs that such ship or vessel was seaworthy at the time when she last departed from any port or place in his Majesty's dominions, and that no greater quantity of such repairs have been done to the said vessel than was necessary as aforesaid, it shall be lawful for the said Commissioners, upon a full consideration of all the circumstances, to direct the collector and controller of the port where such ship or vessel shall have arrived, or where she shall then be, to certify on the certificate of the registry of such ship or vessel that it has been proved to the satisfaction of the Commissioners of his Majesty's customs that the privileges of the said ship or vessel have not been forfeited, notwithstanding the repairs which have been done to the same in a foreign country.

The master on arrival to report such repairs.

Necessity of such repairs to be proved to commissioners of customs.

Ships declared unseaworthy to be deemed ships lost or broken up.

VIII. And be it further enacted, that if any ship or vessel registered under the authority of this or any other Act shall be deemed or declared to be stranded or unseaworthy, and incapable of being recovered, or repaired to the advantage of the owners thereof, and shall for such reasons be sold by order or decree of any competent Court for the benefit of the owners of such ship or vessel or other persons interested therein, the same shall be taken and deemed to be a ship or vessel lost or broken up to all intents and purposes within the meaning of this Act, and shall never again be entitled to the privileges of a British-built ship for any purposes of trade or navigation.

IX. And be it further enacted, that no British ship or vessel which has been or shall hereafter be captured by and become prize to an enemy or sold to foreigners shall again be entitled to the privileges of a British ship: provided always, that nothing contained in this Act shall extend to prevent the registering of any ship or vessel whatever which shall afterwards be condemned in any Court of Admiralty as prize of war, or in any competent Court, for breach of laws made for the prevention of the slave trade.

British ships captured not to be again entitled to registry; but ships condemned in Courts of Admiralty may be registered.

X. And be it further enacted, that no such registry shall hereafter be made, or certificate thereof granted, by any person or persons herein-before authorized to make such registry and grant such certificate, in any other port or place than the port or place to which such ship or vessel shall properly belong, except so far as relates to such ships or vessels as shall be condemned as prizes in any of the islands of Guernsey, Jersey, or Man, which ships or vessels shall be registered in manner herein-after directed; but that all and every registry and certificate made and granted in any port or place to which any such ship or vessel does not properly belong shall be utterly null and void to all intents and purposes, unless the officers aforesaid shall be specially authorized and empowered to make such registry and grant such certificate in any other port by an order in writing under the hands of the Commissioners of his Majesty's customs, which order the said Commissioners are hereby authorized and empowered to issue if they shall see fit; and at every port where registry shall be made in pursuance of this Act a book shall be kept by the collector and controller, in which all the particulars contained in the form of the certificate of the registry herein-before directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year: and such collector and controller shall forthwith, or within one month at the farthest, transmit to the Commissioners of his Majesty's customs a true and exact copy, together with the number, of every certificate which shall be by them so granted.

Ships shall be registered at the port to which they belong.

Commissioners of customs may permit registry at other ports.

Book of registers to be kept, and accounts to be transmitted to Commissioners.

XI. And be it further enacted, that every ship or vessel shall be deemed to belong to some port at or near to which some or one of the owners, who shall make and subscribe the declaration required by this Act before registry be made, shall reside; and whenever such owner or owners shall have transferred all his or their share or shares in such ship or vessel, the same shall be registered *de novo* before such ship or vessel shall sail or depart from the port to which she shall then belong, or from any other port which shall be in the same part of the United Kingdom, or the same colony, plantation, island, or territory as the said port shall be in: provided always, that if the owner or owners of such ship or vessel cannot in sufficient time comply with the requisites of this Act, so that registry may be made before it shall be necessary for such ship or vessel to sail or depart upon another voyage, it shall be lawful for the collector and controller of the port where such ship or vessel may then be to certify upon the back of the existing certificate of registry of such ship or vessel, that the same is to remain in force for the voyage upon which the said ship or vessel is then about to sail or depart: provided also, that if any ship or vessel shall be built in any of the colonies, plantations, islands, or territories in Asia, Africa, or America, to his Majesty belonging, for owners residing in the United Kingdom, and the master of such ship or vessel, or the agent for the owner or owners thereof, shall have produced to the collector and controller of the port at or near to which such ship or vessel was built, the certificate of the builder required by this Act, and shall have made and subscribed adeclaration before such collector and controller of the names and descriptions of the principal owners of such ship or vessel, and that she is the identical ship or vessel mentioned in such certificate of the builder, and that no

Port to which vessels shall be deemed to belong.

Change of subscribing owners to require registry *de novo*.

If registry *de novo* cannot be made, ship may go one voyage with permission indorsed on certificate of registry.

Ships built in foreign possessions, for owners resident in United Kingdom, may have a certificate from the collector, &c. to trade for two years or until arrival in United Kingdom.

foreigner, to the best of his knowledge and belief, has any interest therein; the collector and controller of such port shall cause such ship or vessel to be surveyed and measured in like manner as is directed for the purpose of registering any ship or vessel, and shall give the master of such ship or vessel a certificate under their hands and seals, purporting to be under the authority of this Act, and stating when and where and by whom such ship or vessel was built, the description, tonnage, and other particulars required on registry of any ship or vessel, and such certificate shall have all the force and virtue of a certificate of registry under this Act, during the term of two years, unless such ship shall sooner arrive at some place in the United Kingdom; and such collector and controller shall transmit a copy of such certificate to the Commissioners of his Majesty's customs.

Persons residing in foreign countries may not be owners, unless members of British factories, or agents for or partners in British houses, or member of merchants trading to Levant seas.

XII. And be it further enacted, that no person who has taken the oath of allegiance to any foreign state, except under the terms of some capitulation, unless he shall afterwards become a denizen or naturalized subject of the United Kingdom by his Majesty's letters patent, or by Act of Parliament, nor any person usually residing in any country not under the dominion of his Majesty, his heirs and successors, unless he be a member of some British factory, or agent for or partner in any house or copartnership actually carrying on trade in Great Britain or Ireland, shall be entitled to be the owner, in whole or in part, directly or indirectly, of any ship or vessel required and authorized to be registered by virtue of this Act; save and except that it shall be lawful for any person who was a member of the company of merchants trading to the Levant seas at the time of its dissolution, and who was a resident at any of the factories of the said company, to continue to hold any share or shares in any British-registered ship, of which at the time of such residence he was an owner or part owner, although such person shall continue to reside at any of the places where such factories had existed prior to the dissolution of the said company.

Declaration to be made by subscribing owners previous to registry.

XIII. And be it further enacted, that no registry shall henceforth be made, or certificate granted, until the following declaration be made and subscribed, before the person or persons herein-before authorized to make such registry and grant such certificate respectively, by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, not in any case exceeding three of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said declaration, or by one of such owners, if all, or all except one, shall be resident at a greater distance:

Proportion of owners who shall subscribe and take the declaration.

Form of declaration.

"I, *A. B.*, of [*place of residence and occupation*] do truly declare, that the ship or "vessel [*name*] [of *port or place*], whereof [*master's name*] is at present master, being "[*kind of built, burthen, et cetera, as described in the certificate of the surveying "officer*], was *when and where built, or, if prize or forfeited, capture and con-"demnation as such*], and that I the said *A. B.* [*and the other owners names and "occupations, if any, and where they respectively reside, videlicet, town, place, "or parish, and county, or if member of and resident in any factory in foreign*

" *parts, or in any foreign town or city, being an agent for or partner in any house* " *or copartnership actually carrying on trade in* Great Britain *or* Ireland, *the name* " *of such factory, foreign town, or city, and the names of such house or copart-* " *nership*] am [*or* are] sole owner [*or* owners] of the said vessel, and that no other " person or persons whatever hath or have any right, title, interest, share, or property " therein or thereto; and that I the said *A. B.* [*and the said other owners, if any*] am " [*or* are] truly and *bonâ fide* a subject [*or* subjects] of *Great Britain;* and that I " the said *A. B.* have not [*nor have any of the other owners, to the best of my know-* " *ledge and belief*] taken the oath of allegiance to any foreign state whatever [*except* " *under the terms of some capitulation, describing the particulars thereof*], or that " since my taking [*or* his *or* their taking] the oath of allegiance to [*naming the foreign* " *states respectively to which he or any of the said owners shall have taken the same*] " I have [*or* he *or* they hath *or* have] become a denizen [*or* denizens, *or* naturalized " subject or subjects, *as the case may be*] of the United Kingdom of *Great Britain* " and *Ireland* by his Majesty's letters patent, *or* by an Act of Parliament [*naming* " *the times when such letters of denization have been granted respectively, or the* " *year or years in which such Act or Acts for naturalization have passed respectively*]; " and that no foreigner, directly or indirectly, hath any share or part interest in the said " ship or vessel."

Provided always, that if it shall become necessary to register any ship or vessel belonging to any corporate body in the United Kingdom, the following declaration, in lieu of the declaration herein-before directed, shall be taken and subscribed by the secretary, or other proper officer of such corporate body; (that is to say),

" I, *A. B.*, secretary *or* officer of [*name of company or corporation*] do truly declare, " that the ship or vessel [*name*] of [*port*] whereof [*master's name*] is at present " master, being [*kind of built, burthen, et cetera, as described in the certificate of* " *the surveying officer*], was [*when and where built, or, if prize or forfeited, capture* " *and condemnation as such*], and that the same doth wholly and truly belong to [*name* " *of company or corporation*]."

Addition to declaration in case the required number of owners do not attend.

XIV. And be it further enacted, that in case the required number of joint owners or proprietors of any ship or vessel shall not personally attend to make and subscribe the declaration herein-before directed to be made and subscribed, then and in such case such owner or owners, proprietor or proprietors, as shall personally attend and make and subscribe the declaration aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves, in order to avoid the making the declaration herein-before directed to be made and subscribed, or is or are prevented by illness from attending to make and subscribe the said declaration.

Vessels to be surveyed previous to registry.

XV. And in order to enable the collector and controller of his Majesty's customs to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of his Majesty's customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted; be it enacted, that previous to the registering or granting of any certificate of registry as aforesaid, some one or more person or persons appointed by the

Commissioners of his Majesty's Customs (taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships,) shall go on board of every such ship or vessel as is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate herein-before directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said master; and shall deliver a true and just account in writing of all such particulars of the built, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited to the collector and controller authorized as aforesaid to make such registry and grant such certificate of registry; and the said master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Certificate of survey to be given;

owner or master concurring therein.

Mode of admeasurement to ascertain tonnage.

XVI. And be it further enacted, that for the purpose of ascertaining the tonnage of ships or vessels the rule for admeasurement shall be as follows; (that is to say,) the length shall be taken on a straight line along the rabbet of the keel, from the back of the main stern-post to a perpendicular line from the fore part of the main stem under the bowsprit, from which subtracting three-fifths of the breadth, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from the outside of the outside plank in the broadest part of the ship, whether that shall be above or below the main wales, exclusive of all manner of doubling planks that may be wrought upon the sides of the ship; then multiplying the length of the keel by the breadth so taken, and that product by half the breadth, and dividing the whole by ninety-four, the quotient shall be deemed the true contents of the tonnage.

Mode of ascertaining tonnage when vessels are afloat.

XVII. And whereas it would in some cases endanger ships or vessels to cause them to be laid on shore; be it therefore enacted, that in cases where it may be necessary to ascertain the tonnage of any ship or vessel when afloat, according to the foregoing rule, the following method shall be observed; (that is to say,) drop a plumb line over the stern of the ship, and measure the distance between such line and the after part of the stern-post at the load water-mark, then measure from the top of the plumb line, in a parallel direction with the water, to a perpendicular point immediately over the load watermark at the fore part of the main stem, subtracting from such measurement the above distance, the remainder will be the ship's extreme, from which is to be deducted three inches for every foot of the load draught of water for the rake abaft, also three-fifths of the ship's breadth for the rake forward, the remainder shall be esteemed the just length of the keel to find the tonnage; and the breadth shall be taken from outside to outside of the plank in the broadest part of the ship, whether that shall be above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought on the side of the ship; then multiplying the length of the keel for tonnage by the breadth so taken, and that product by half the breadth, and dividing by ninety-four, the quotient shall be deemed the true contents of the tonnage.

Engine room in steam vessels to be deducted.

XVIII. Provided always, and be it further enacted, that in each of the several rules herein-before prescribed, when used for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the length of the engine room shall be deducted from the whole length of such ship or vessel, and the remainder shall, for such purpose, be deemed the whole length of the same.

XIX. And be it further enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rule herein prescribed (except in the case of ships or vessels which have been admeasured afloat), such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

Tonnage when so ascertained to be ever after deemed the tonnage.

XX. And be it further enacted, that at the time of the obtaining of the certificate of registry as aforesaid sufficient security by bond shall be given to his Majesty, his heirs and successors, by the master and such of the owners as shall personally attend, as is herein-before required, such security to be approved of and taken by the person or persons herein-before authorized to make such registry, and grant such certificate of registry at the port or place in which such certificate shall be granted, in the penalties following; (that is to say,) if such ship or vessel shall be a decked vessel, or be above the burthen of fifteen tons and not exceeding fifty tons, then in the penalty of one hundred pounds; if exceeding the burthen of fifty tons and not exceeding one hundred tons, then in the penalty of three hundred pounds; if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, then in the penalty of five hundred pounds; if exceeding the burthen of two hundred tons and not exceeding three hundred tons, then in the penalty of eight hundred pounds; and if exceeding the burthen of three hundred tons, then in the penalty of one thousand pounds; and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship or vessel shall be lost, or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in his Majesty's dominions, to the collector and controller of some port in Great Britain, or of the Isle of Man, or of the British plantations, or to the governor, lieutenant-governor, or commander-in-chief for the time being of the islands of Guernsey or Jersey; and that if any foreigner, or any person or persons for the use and benefit of any foreigner, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of the British colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons herein-before authorized to make registry and grant certificate of registry at such port or place respectively as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British consul, or other chief British officer, resident at or nearest to such foreign port; or if such ship or vessel shall be at sea when such purchase or transfer of property shall take place, then that the certificate shall be delivered up to the British consul, or other chief British officer, at the foreign port or place in or at which the master or other person having or taking the charge or command of such ship or vessel shall

Bond to be given at the time of registry.

Conditions that the certificate shall be solely made use of for the service of the vessel, or given up to be cancelled in certain cases.

first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master or other person who had the command thereof at the time of such purchase or transfer of property at sea shall not arrive at a foreign port, but shall arrive at some port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of his Majesty's said colonies, plantations, islands, or territories, then that the certificate shall be delivered up, in manner aforesaid, within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of Great Britain, or of the islands of Guernsey, Jersey, or Man, or of any of his Majesty's said colonies, plantations, islands, or territories: provided always, that if it shall happen that at the time of registry of any ship or vessel the same shall be at any other port than the port to which she belongs, so that the master of such ship or vessel cannot attend at the port of registry to join with the owner or owners in such bond as aforesaid, it shall be lawful for him to give a separate bond, to the like effect, at the port where such ship or vessel may then be, and the collector and controller of such other port shall transmit such bond to the collector and controller of the port where such ship or vessel is to be registered, and such bond, and the bond also given by the owner or owners, shall together be of the same effect against the master and owner or owners, or either of them, as if they had bound themselves jointly and severally in one bond.

If ship at the time of registry be at any other port than that of registry, the master may there give bond.

When master is changed new master to give similar bond, and his name to be indorsed on certificate of registry.

XXI. And be it further enacted, that when and so often as the master or other person having or taking the charge or command of any ship or vessel registered in manner herein-before directed shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons herein-before authorized to make such registry and grant such certificates of registry at the port where such change shall take place the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the Commissioners of his Majesty's customs: provided always, that before the name of such new master shall be indorsed on the certificate of registry he shall be required to give and shall give a bond in the like penalties and under the same conditions as are contained in the bond herein-before required to be given at the time of registry of any ship or vessel.

Bonds liable to same duties of stamps as bonds for customs.

XXII. And be it further enacted, that all bonds required by this Act shall be liable to the same duties of stamps as bonds given for or in respect of the duties of customs are or shall be liable to under any Act for the time being in force for granting duties of stamps.

Certificate of registry to be given up by all persons as directed by the bond.

XXIII. And be it further enacted, that if any person whatever shall at any time have possession of and wilfully detain any certificate of registry granted under this or any other Act, which ought to be delivered up to be cancelled according to any of the conditions of the bond herein-before required to be given upon the registry of any ship or vessel, such person is hereby required and enjoined to deliver up such certificate of registry in manner directed by the conditions of such bond in the respective cases and under the respective penalties therein provided.

Name of vessel which has been registered never afterwards to be

XXIV. And be it further enacted, that it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was

first registered in pursuance of this or any other Act; and that the owner or owners of all and every ship or vessel which shall be so registered shall, before such ship or vessel, after such registry, shall begin to take in any cargo, paint or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners or master or other person having or taking the charge or command of such ship or vessel shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure or permit the same to be done (unless in the case of square rigged vessels in time of war), or shall in any written or printed paper, or other document, describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described, by any other name to any officer or officers of his Majesty's revenue in the due execution of his or their duty, then and in every such case such owner or owners or master or other person having or taking the charge or command of such ship or vessel shall forfeit the sum of one hundred pounds.

changed, and to be painted on the stern.

Penalty for omission 100*l.*

XXV. And be it further enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel shall and they are hereby required to produce to the person or persons authorized to grant such certificate a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof (which account such builder is hereby directed and required to give under his hand on the same being demanded by such person or persons so applying for a certificate as aforesaid), and shall also make and subscribe a declaration before the person or persons herein-before authorized to grant such certificate that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

Builder's certificate of particulars of ship.

Declaration to be made thereto.

XXVI. And be it further enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the Commissioners of his Majesty's Customs, such Commissioners shall and may permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted: provided always, that if such ship or vessel be absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such Commissioners shall and may grant a licence for the present use of such ship or vessel, which licence shall, for the time and to the extent specified therein, and no longer, be of the same force and virtue as a certificate of registry granted under this Act: provided always, that before such registry *de novo* be made the owner or owners and master shall give bond to the Commissioners aforesaid in such sum as to them shall seem fit, with a condition that if the certificate of registry shall at any time afterwards be found the same shall be forthwith delivered to the proper officers of his Majesty's Customs to be cancelled, and that no illegal use has been or shall be made thereof with his or their privity or knowledge; and further, that before any such licence shall be granted as aforesaid the master of such ship or vessel shall also make and subscribe a declaration that the same has been registered as a British ship, naming the port where and the time when such registry was

Certificate of registry lost or mislaid;

Commissioners may permit registry *de novo*; or grant a licence.

Bond respecting lost certificate of registry.

Condition.

Declaration to be made before licence be granted.

made, and all the particulars contained in the certificate thereof, to the best of his knowledge and belief, and shall also give such bond and with the same condition as is before mentioned:

Before licence be granted ship to be surveyed as if for registry;

and registry may be made after departure of the ship;

and certificate transmitted to be exchanged for the licence.

provided also, that before any such licence shall be granted such ship or vessel shall be surveyed in like manner as if a registry *de novo* were about to be made thereof; and the certificate of such survey shall be preserved by the collector and controller of the port to which such ship or vessel shall belong; and in virtue thereof it shall be lawful for the said Commissioners and they are hereby required to permit such ship or vessel to be registered after her departure, whenever the owner or owners shall personally attend to take and subscribe the declaration required by this Act before registry be made, and shall also comply with all other requisites of this Act, except so far as relates to the bond to be given by the master of such ship or vessel; which certificate of registry the said Commissioners shall and may transmit to the collector and controller of any other port, to be by them given to the master of such ship or vessel, upon his giving such bond, and delivering up the licence which had been granted for the then present use of such ship or vessel.

Persons detaining certificate of registry to forfeit 100*l.*

XXVII. And whereas it is not proper that any person under any pretence whatever should detain the certificate or registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted; be it therefore enacted, that in case any person who shall have received or obtained by any means or for any purpose whatever the certificate of the registry of any ship or vessel (whether such person shall claim to be the master or to be the owner or one of the owners of such ship or vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper officers of his Majesty's Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed master or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last mentioned person to make complaint on oath of such detainer and refusal to any justice of the peace residing near to the place where such detainer and refusal shall be in Great Britain or Ireland, or to any member of the Supreme Court of Justice or any justice of the peace in the islands of Jersey, Guernsey, or Man, or in any colony, plantation, island or territory to his Majesty belonging in Asia, Africa, or America, or in Malta, Gibraltar, or Heligoland, where such detainer and refusal shall be in any of the places last mentioned; and on such complaint the said justice or other magistrate shall and is hereby required, by warrant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal: and if it shall appear to the said justice or other magistrate, on examination of such person or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be thereof convicted, and shall forfeit and pay the sum of one hundred pounds, and on failure of payment thereof he shall be committed to the common gaol, there to remain without bail or mainprize for such time as the said justice or other magistrate shall in his discretion deem proper, not being less than three months nor more than twelve months; and the said justice or other magistrate shall and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall, on the terms and conditions of law being complied with, make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo;* and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the

Justice to certify detainer, and ship to be registered *de novo.*

If person detaining certificate have absconded, ship may be registered as in case of lost certificate.

said warrant of the justice or other magistrate cannot be executed upon him, and proof thereof shall be made to the satisfaction of the Commissioners of his Majesty's Customs, it shall be lawful for the said Commissioners to permit such ship or vessel to be registered *de novo*, or otherwise, in their discretion, to grant a licence for the present use of such ship or vessel in like manner as is herein-before provided in the case wherein the certificate of registry is lost or mislaid.

Ship altered in certain manner to be registered *de novo*.

XXVIII. And be it further enacted, that if any ship or vessel, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, in such case such ship or vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the port to which she belongs, or to any other port which shall be in the same part of the United Kingdom, or in the same colony, plantation, island, or territory, as the said port shall be in, on failure whereof such ship or vessel shall to all intents and purposes be considered and deemed and taken to be a ship or vessel not duly registered.

Vessels condemned as prize, or for breach of laws against slave trade, certificate of condemnation to be produced.

XXIX. And be it further enacted, that the owner or owners of all such ships and vessels as shall be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any Court of Admiralty, or of such ships or vessels as shall be condemned in any competent Court as forfeited for breach of the laws for the prevention of the slave trade, shall, for the purpose of registering such ship or vessel, produce to the collector and controller of his Majesty's Customs a certificate of the condemnation of such ship or vessel, under the hand and seal of the Judge of the Court in which such ship or vessel shall have been condemned (which certificate such Judge is hereby authorized and required to grant,) and also a true and exact account in writing of all the particulars contained in the certificate herein-before set forth, to be made and subscribed by one or more skilful person or persons to be appointed by the Court then and there to survey such ship or vessel, and shall also make and subscribe a declaration before the collector and controller that such ship or vessel is the same vessel which is mentioned in the certificate of the judge aforesaid.

The 30th section has reference to ships condemned as prize, and belonging to residents in Guernsey, Jersey, or the Isle of Man.

Transfers of interest to be made by bill of sale;

reciting certificate of registry.

Bill of sale not void by unimportant error of recital, &c.

XXXI. And be it further enacted, that when and so often as the property in any ship or vessel, or any part thereof, belonging to any of his Majesty's subjects, shall, after registry thereof, be sold to any other or others of his Majesty's subjects, the same shall be transferred by bill of sale or other instrument in writing, containing a recital of the certificate of registry of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual for any purpose whatever, either in law or in equity: provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of registry instead of the existing certificate, provided the identity of the ship or vessel intended in the recital be effectually proved thereby.

Property in ships to be divided into sixty-four parts or shares.

XXXII. And be it further enacted, that the property in every ship or vessel of which there are more than one owner shall be taken and considered to be divided into sixty-four equal parts or shares, and the proportion held by each owner shall be described in the registry as being a certain number of sixty-fourth parts or shares; and that no person shall be entitled to be registered as an owner of any ship or vessel in respect of any proportion of such ship or

Declaration upon first registry to state the number of such shares held by each owner.

vessel which shall not be an integral sixty-fourth part or share of the same; and upon the first registry of any ship or vessel the owner or owners who shall take and subscribe the declaration required by this Act before registry be made shall also declare the number of such parts or shares then held by each owner, and the same shall be so registered accordingly: provided

Smaller portions may be conveyed without stamp.

always, that if it shall at any time happen that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, it shall and may be lawful for the owner or owners of such fractional parts as shall be over and above such number of integral sixty-fourth parts or shares into which such property in any ship or vessel can be reduced by division to transfer the same one to another, or jointly to any new owner, by memorandum upon their respective bills of sale, or by fresh bill of sale, without such transfer being liable to any stamp duty; provided also, that the right of any owner or owners to any such fractional parts shall not be affected by reason of the same not having been registered: provided also, that it shall be lawful for any number of such

Partners may hold ships or shares without distinguishing proportionate interest of each owner.

owners, named and described in such registry, being partners in any house or copartnership actually carrying on trade in any part of his Majesty's dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or copartnership, as joint owners thereof, without distinguishing the proportionate interest of each of such owners, and that such ship or vessel or the share or shares thereof so held in copartnership shall be deemed and taken to be partnership property to all intents and purposes, and shall be governed by the same rules, both in law and equity, as relate to and govern all other partnership property in any other goods, chattels, and effects whatsoever.

Only thirty-two persons to be owners of any ship at one time.

Not to affect the equitable title of heirs, &c.

XXXIII. And be it further enacted, that no greater number than thirty-two persons shall be entitled to be legal owners at one and the same time of any ship or vessel, as tenants in common, or to be registered as such: provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others, exceeding that number, duly represented by or holding from any of the persons within the said number, registered as legal owners of any share or shares of such ship or vessel: provided also, that

Joint Stock Companies.

if it shall be proved to the satisfaction of the Commissioners of his Majesty's Customs that any number of persons have associated themselves as a Joint Stock Company, for the purpose of owning any ship or vessel, or any number of ships or vessels, as the joint property of such Company, and that such Company have duly elected or appointed any number, not less than three, of the members of the same to be trustees of the property in such ship or

Trustees may apply to have registry made.

vessel or ships or vessels so owned by such Company, it shall be lawful for such trustees or any three of them, with the permission of such Commissioners, to make and subscribe the declaration required by this Act before registry be made, except that instead of stating therein the names and descriptions of the other owners, they shall state the name and description of the Company to which such ship or vessel or ships or vessels shall in such manner belong.

Bills of sale not effectual until produced to officers of Customs, and entered in the book of registry or of intended registry.

XXXIV. And be it further enacted, that no bill of sale or other instrument in writing shall be valid and effectual to pass the property in any ship or vessel, or in any share thereof, or for any other purpose, until such bill of sale or other instrument in writing shall have been produced to the collector and controller of the port at which such ship or vessel is already registered, or to the collector and controller of any other port at which she is about to be registered *de novo*, as the case may be, nor until such collector and controller respectively shall have entered in the book of such last registry, in the one case, or in the book of such registry *de novo*, after all the requisites of law for such registry *de novo* shall have been

duly complied with, in the other case (and which they are respectively hereby required to do upon the production of the bill of sale or other instrument for that purpose), the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor, if more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee, if more than one, and the date of the bill of sale or other instrument, and of the production of it; and further, if such ship or vessel is not about to be registered *de novo*, the collector and controller of the port where such ship is registered shall and they are hereby required to indorse the aforesaid particulars of such bill of sale or other instrument on the certificate of registry of the said ship or vessel, when the same shall be produced to them for that purpose, in manner and to the effect following; *videlicet*,

Form of indorsement.

" Custom House [*port and date; name, residence, and description of vendor or mortgagor*] has transferred by [*bill of sale or other instrument*] dated [*date, number of shares*] to [*name, residence, and description of purchaser or mortgagee.*]

" *A. B.* Collector.

" *C. D.* Controller."

Notice to Commissioners.

And forthwith to give notice thereof to the Commissioners of Customs; and in case the collector and controller shall be desired so to do, and the bill of sale or other instrument shall be produced to them for that purpose, then the said collector and controller are hereby required to certify, by indorsement upon the bill of sale or other instrument, that the particulars before mentioned have been so entered in the book of registry, and indorsed upon the certificate of registry as aforesaid.

Entry of bill of sale to be valid, except in certain cases.

XXXV. And be it further enacted, that when and so soon as the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the indorsement to be made upon the certificate of registry of such ship or vessel in manner herein-after mentioned.

When a bill of sale has been entered for any shares, thirty days shall be allowed for indorsing the certificate of registry, before any other bill of sale for the same shall be entered.

XXXVI. And be it further enacted, that when and after the particulars of any bill of sale or other instrument by which any ship or vessel, or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry as aforesaid, the collector and controller shall not enter in the book of registry the particulars of any other bill of sale or instrument purporting to be a transfer by the same vendor or mortgagor or vendors or mortgagors of the same ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry; or in case the ship or vessel was absent from the port to which she belonged at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged; and in case the particulars of two or more such bills of sale or other instruments as aforesaid shall at any time have been entered in the book of registry of the said ship or vessel, the collector and controller shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid unless thirty days shall in like manner

have elapsed from the day on which the particulars of the last of such bill of sale or other instrument were entered in the book of registry, or from the day on which the ship or vessel arrived at the port to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the same owner or owners of the same property in any ship or vessel entered in the book of registry as aforesaid, the collector and controller are hereby required to indorse upon the certificate of registry of such ship or vessel the particulars of that bill of sale or other instrument under which the person or persons claims or claim property who shall produce the certificate of registry for that purpose within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of registry within either of the said spaces of thirty days, then it shall be lawful for the collector and controller, and they are hereby required, to indorse upon the certificate of registry the particulars of the bill of sale or other instrument to such person or persons as shall first produce the certificate of registry for that purpose, it being the true intent and meaning of this Act that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appear to claim the same property, or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them were entered in the book of registry as aforesaid, but according to the time when the indorsement is made upon the certificate of registry as aforesaid: provided always, that if the certificate of registry shall be lost or mislaid, or shall be detained by any person whatever, so that the indorsement cannot in due time be made thereon, and proof thereof shall be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Commissioners of his Majesty's Customs, it shall be lawful for the said Commissioners to grant such further time as to them shall appear necessary for the recovery of the certificate of registry, or for the registry *de novo* of the said ship or vessel under the provisions of this Act, and thereupon the collector and controller shall make a memorandum in the book of registers of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof, or for giving the same security thereon.

Nature of the priority intended in this Act.

Provision in case certificate be mislaid.

Bills of sale may be produced after entry at other ports than those to which vessels belong, and transfers indorsed on certificate of registry.

XXXVII. And be it further enacted, that if the certificate of registry of such ship or vessel shall be produced to the collector and controller of any port where she may then be, after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale, containing a notification of such record, signed by the collector and controller of such port as before directed, it shall be lawful for the collector and controller of such other port to indorse on such certificate of registry (being required so to do) the transfer mentioned in such bill of sale, and such collector and controller shall give notice thereof to the collector and controller of the port to which such ship or vessel belongs, who shall record the same in like manner as if they had made such indorsement themselves, but inserting the name of the port at which such indorsement was made: provided always, that the collector and controller of such other port shall first give notice to the collector and controller of the port to which such ship or vessel belongs of such requisition made to them to indorse the certificate of registry, and the collector and controller of the port to which such ship or vessel belongs shall thereupon send information to the collector and controller of such other port, whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vesssel;

Previous notice to be given to officers at the port of registry.

and the collector and controller of such other port having such information shall proceed in manner directed by this Act in all respects to the indorsing of the certificate of registry as they would do if such port were the port to which such vessel belonged.

If upon registry *de novo* any bill of sale shall not have been recorded, the same shall then be produced.

XXXVIII. And be it further enacted, that if it shall become necessary to register any ship or vessel *de novo*, and any share or shares of such ship or vessel shall have been sold since she was last registered, and the transfer of such share or shares shall not have been recorded and indorsed in manner herein-before directed, the bill of sale thereof shall be produced to the collector and controller of his Majesty's Customs, who are to make registry of such ship or vessel, otherwise such sale shall not be noticed in such registry *de novo*, except as herein-after excepted; provided always, that upon the future production of such bill of sale, and of the existing certificate of registry, such transfer shall and may be recorded and indorsed as well after such registry *de novo* as before.

Bill of sale previous to registry may be recorded after registry.

Upon change of property registry *de novo* may be granted if desired, although not required by law.

XXXIX. And be it further enacted, that if upon any change of property in any ship or vessel the owner or owners shall desire to have the same registered *de novo*, although not required by this Act, and the owner or proper number of owners shall attend at the Custom-house at the port to which such ship or vessel belongs for that purpose, it shall be lawful for the collector and controller of his Majesty's Customs at such port to make registry *de novo* of such ship or vessel at the same port, and to grant a certificate thereof, the several requisites herein-before in this Act mentioned and directed being first duly observed and complied with.

Copies of declarations, &c. and of extracts from books of registry admitted in evidence.

XL. And whereas great inconvenience hath arisen from the registering officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of law relative to the ownery of vessels, or otherwise, the oaths or declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom: and whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with; be it therefore enacted, that the collector and controller of his Majesty's Customs at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request, by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any oath or declaration sworn or made by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept relative to any ship or vessel, and shall, upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies or an extract or extracts thereof respectively; and that the copy and copies of any such oath or declaration, register or entry, shall, upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any collector or controller, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such original or originals, if produced by any collector or collectors, controller or controllers, or other person or persons acting for them, could or might legally be admitted or received in evidence.

Vessels or shares sold in the absence of owners without formal powers.

XLI. And be it further enacted, that if the ship or vessel, or the share or shares of any owner thereof who may be out of the kingdom, shall be sold in his absence by his known agent or correspondent, under his directions either expressed or implied, and acting for his interest in that behalf, and such agent or correspondent who shall have executed a bill of sale to the purchaser of the whole of such ship or vessel, or of any share or shares thereof, shal

Commissioners may permit record of such sales or registry *de novo* as the case may require;

and in other cases where bills of sale cannot be produced;

not have received a legal power to execute the same, it shall be lawful for the Commissioners of his Majesty's Customs, upon application made to them, and proof to their satisfaction of the fair dealings of the parties, to permit such transfer to be registered, if registry *de novo* be necessary, or to be recorded and indorsed, as the case may be, in manner directed by this Act, as if such legal power had been produced; and also if it shall happen that any bill of sale cannot be produced, or if, by reason of distance of time, or the absence or death of parties concerned, it cannot be proved that a bill of sale for any share or shares in any ship or vessel had been executed, and registry *de novo* of such ship or vessel shall have become necessary, it shall be lawful for the Commissioners of his Majesty's Customs, upon proof to their satisfaction of the fair dealings of the parties, to permit such ship or vessel to be registered *de novo* in like manner as if a bill of sale for the transfer of such share or shares had been produced:

security being given to produce legal powers or abide future claims.

provided always, that in any of the cases herein mentioned good and sufficient security shall be given to produce a legal power or bill of sale within a reasonable time, or to abide the future claims of the absent owner, his heirs and successors, as the case may be: and at the future request of the party whose property has been so transferred without the production of a bill of sale from him or from his lawful attorney, such bond shall be available for the protection of his interest, in addition to any powers or rights which he may have in law or equity against the ship or vessel, or against the parties concerned, until he shall have received full indemnity for any loss or injury sustained by him.

Transfer by way of mortgage.

XLII. And be it further enacted, that when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage, or of assignment to a trustee or trustees for the purpose of selling the same for the payment of any debt or debts, then and in every such case the collector and controller of the port where the ship or vessel is registered shall, in the entry in the book of registry, and also in the indorsement on the certificate of registry, in manner herein-before directed, state and express that such transfer was made only as a security for the payment of

Mortgagee not to be deemed an owner.

a debt or debts, or by way of mortgage, or to that effect; and the person or persons to whom such transfer shall be made, or any other person or persons claiming under him or them as a mortgagee or mortgagees, or a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the person or persons making such transfer be deemed by reason thereof to have ceased to be an owner or owners of such ship or vessel, any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares so transferred, available by sale or otherwise for the payment of the debt or debts for securing the payment of which such transfer shall have been made.

The 43rd section protects the rights of mortgagees and assignees in case of the bankruptcy of the mortgagor or assignor.

Governors of colonies, &c. may cause proceedings in suits to be stayed.

XLIV. And be it further enacted, that it shall and may be lawful for any governor, lieutenant-governor, or commander-in-chief of any of his Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said colonies, plantations, islands, or territories respectively, touching the force and effect of any register granted to any ship or vessel, upon a representation made to any such governor, lieutenant-governor, or commander-in-chief, to cause all proceedings thereon to be stayed, if he

shall see just cause so to do, until his Majesty's pleasure shall be known and certified to him by his Majesty, by and with the advice of his Majesty's Privy Council; and such governor, lieutenant-governor, or commander-in-chief is hereby required to transmit to one of his Majesty's principal secretaries of state, to be laid before his Majesty in Council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be stayed, and such documents (properly verified) as he may judge necessary for the information of his Majesty.

Penalty of 500*l.* on persons making false declaration, or falsifying any document.

XLV. And be it further enacted, that if any person or persons shall falsely make declaration to any of the matters herein-before required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, or falsified, or shall wilfully grant such certificate or other instrument in writing, knowing it to be false, such person or persons shall for every such offence forfeit the sum of five hundred pounds.

How penalties are to be recovered,

XLVI. And be it further enacted, that all the penalties and forfeitures inflicted and incurred by this Act shall and may be sued for, prosecuted, recovered, and disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted or which may be incurred for any offences committed against any law relating to the Customs may now legally be sued for, prosecuted, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this Act shall be entitled to and receive the same share of the produce arising from such seizures as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act as any officer or officers is or are now by any law or regulation entitled to upon prosecutions for pecuniary penalties.

and officers shares.

Act may be altered this session.

XLVII. And be it further enacted, that this Act may be altered, varied, or repealed by any Act or Acts to be passed in this session of Parliament.

---

## 3 & 4 GULIELMI IV. Cap. LVI.

### An Act *for granting Duties of Customs.*

[28*th August* 1833.]

6 G. 4, c. 111.

Whereas an Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for granting Duties of Customs," whereby the several duties of customs were consolidated in one Act: and whereas since the passing of the said Act divers Acts altering the said duties have been passed, and it will be of advantage to the trade and commerce of the country that the said several duties should be consolidated in one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that this Act shall commence upon the first day of September

Commencement of Act.

one thousand eight hundred and thirty-three, except where any other commencement is herein particularly directed.

Instead of all other duties of customs (except on corn, &c.) there shall be paid and allowed the duties and drawbacks specified in the tables annexed.

II. And be it further enacted, that in lieu and instead of all other duties of customs (except the duties upon corn, grain, meal, or flour), there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, upon goods, wares, and merchandize imported into or exported from the United Kingdom, the several duties of customs, and there shall be allowed the several drawbacks, as the same are respectively inserted, described, and set forth in figures in the tables to this Act annexed, and denominated respectively "Table of Duties of Customs Inwards" and "Table of Duties of Customs Outwards."

The third section relates to drawbacks upon goods having paid duty under previous Acts. The fourth directs that the duties imposed by this Act shall be under the management of the Commissioners of Customs, and shall be administered under the Act for the general regulation of the Customs, 3 & 4 Wm. 4, cap. 52. The fifth gives certain powers to the Crown in reference to the goods of countries withholding advantages from Great Britain. The sixth and seventh relate to a drawback on foreign rice or paddy exported after payment of duties and clearings.

Warehousing of goods.

VIII. And be it further enacted, that it shall be lawful for the importer of any goods subject to any duties of customs to warehouse such goods upon the first entry thereof, under the laws in force for the warehousing of goods, without payment of duty upon such first entry; and that all goods which shall have been so warehoused before the commencement of any such duties, and shall remain so warehoused after the commencement of the same, shall become liable to such duties in lieu of all former duties.

The ninth section declares the Cape of Good Hope and its dependencies to be, for the purposes of this Act, within the limits of the East-India Company's Charter; and the Island of Mauritius to be one of the sugar colonies of the Crown, and placed on the same footing as his Majesty's islands in the West-Indies.

Produce of limits of Charter imported from Malta or Gibraltar.

X. And be it further enacted, that all goods the produce of places within the limits of the East-India Company's Charter, having been imported into Malta or Gibraltar from those places in British ships, shall, upon subsequent importation into the United Kingdom direct from Malta or Gibraltar, be liable to the same duties as the like goods would respectively be liable to if imported direct from some place within the limits of the said Charter.

The remaining sections relate to the accounts of the hereditary revenue of the Crown, to the payment of duties into the Exchequer,

and to the appropriation of duties due before the 1st September of the year in which the Act passed, but not levied till after that day.

---

## DUTIES OF CUSTOMS INWARDS.

A Table of the Duties of Customs payable on Goods, Wares, and Merchandise imported into the United Kingdom from Foreign Parts, and of the Drawbacks to be allowed on the Exportation of such Goods, Wares, and Merchandise.

(The extent of this table renders it necessary to retain only a few of the articles: for any not inserted reference must be made to the Act.)

| | | £. | s. | d. |
|---|---|---|---|---|
| Alkali, natural Alkali, imported from places within the limits of the East-India Company's Charter ... ... ... | the cwt. | 0 | 2 | 0 |
| Aloes, the produce of and imported from any British possession | the lb. | 0 | 0 | 2 |
| Arrow Root, the produce of and imported from any British possession, | the cwt. | 0 | 1 | 0 |
| Asphaltum ... ... ... ... ... ... | the cwt. | See note at end of table. | | |
| Beads, Arango ... ... ... | for every 100*l.* of the value | 20 | 0 | 0 |
| Benjamin or Benzoin ... ... ... ... ... | the cwt. | 0 | 4 | 0 |
| Borax or Tincal ... ... ... ... ... | the cwt. | 0 | 4 | 0 |
| —— refined ... ... ... ... ... | the cwt. | 0 | 10 | 0 |
| Camphor ... ... ... ... ... ... | the cwt. | 0 | 1 | 0 |
| —— refined ... ... ... ... ... | the cwt. | 2 | 0 | 0 |
| Canes, *viz.* | | | | |
| —— Bamboo ... ... ... ... ... | the 1,000 | 0 | 5 | 0 |
| —— Rattans, not ground ... ... ... ... | the 1,000 | 0 | 5 | 0 |
| Caoutchouc ... ... ... ... ... | the cwt. | 0 | 1 | 0 |
| Cardamoms ... ... ... ... ... | the lb. | 0 | 1 | 0 |
| —— Extract or Preparation of. *See* Extract. | | | | |
| Cassia, *viz.* | | | | |
| —— Buds ... ... ... ... ... | the lb. | 0 | 1 | 0 |
| —— Fistula ... ... ... ... ... | the lb. | See note at end of table. | | |
| —— Lignea ... ... ... ... ... | | | | |
| - - - imported from any British possession ... | the lb. | 0 | 0 | 6 |
| Cloves imported from any British possession in Asia, Africa, or America ... ... ... ... ... | | See note at end of table. | | |
| Coffee imported from any British possession within the limits of the East-India Company's Charter ... ... | the lb. | See note at end of table. | | |
| —— imported from any other place within those limits ... | the lb. | 0 | 1 | 0 |
| Coir Rope, Twine, and Strands ... ... ... | the cwt. | 0 | 5 | 0 |
| —— old, and fit only to be made into mats ... ... | the ton | 0 | 5 | 0 |
| Colocynth ... ... ... ... ... ... | the lb. | 0 | 0 | 2 |

| | | £ | s. | d. |
|---|---|---|---|---|
| Copper, the produce of and imported from any British possession within the limits of the East-India Company's Charter, *viz.* | | | | |
| - - - ore ... ... ... ... ... | the cwt. | 0 | 1 | 0 |
| - - - old, fit only to be remanufactured ... ... | the cwt. | 0 | 9 | 2 |
| - - - in plates and copper coin ... ... ... | the cwt. | 0 | 15 | 0 |
| - - - unwrought, *viz.* in bricks or pigs, rose copper, and all cast copper ... ... ... ... | the cwt. | 0 | 9 | 2 |
| - - - in part wrought, *viz.* bars, rods, or ingots, hammered or raised ... ... ... ... | the cwt. | 1 | 11 | 3 |
| - - - manufactures of copper not otherwise enumerated or described, and copper plates, engraved, for every 100*l.* of the value | | 30 | 0 | 0 |
| Cotton, *viz.* | | | | |
| ——— Manufactures of - for every 100*l.* of the value | | 10 | 0 | 0 |
| ——— Articles of manufactures of Cotton wholly or in part made up, not otherwise charged with duty, for every 100*l.* of the value | | 20 | 0 | 0 |
| ——— Wool, or Waste of Cotton Wool. *See* Wool. | | | | |
| Ebony, the produce of and imported from any British possession | the ton | 0 | 3 | 0 |
| Extract, *viz.* | | | | |
| ——— Cardamoms, Extract or Preparation of, for every 100*l.* of the value | | 75 | 0 | 0 |
| ——— Opium, Extract or Preparation of, for every 100*l.* of the value | | 25 | 0 | 0 |
| Garnets ... ... ... ... ... ... | the lb. | 0 | 10 | 0 |
| ——— cut ... ... ... ... ... | the lb. | 1 | 10 | 0 |
| Ginger, the produce of and imported from any British possession | the cwt. | 0 | 11 | 0 |
| - - - preserved ... ... ... ... | the lb. | 0 | 0 | 1 |
| Ginseng ... ... ... ... ... ... | the cwt. | 0 | 4 | 0 |
| Gum, *viz.* Animi, Copal, Arabic, Senegal, Tragacanth, Lac Dye, Shellac, Storax, Assafœtida, Ammoniacum, Kino, Guiacum, and other Gum not otherwise charged ... | the cwt. | 0 | 6 | 0 |
| Hair, *viz.* | | | | |
| —— Camels' Hair or Wool ... ... ... ... | the lb. | 0 | 0 | 1 |
| - - - - the Produce of and imported from any British possession | | Free. | | |
| Hemp, dressed ... ... ... ... ... | the cwt. | 4 | 15 | 0 |
| ——— rough or undressed, or any other vegetable substance of the nature and quality of undressed hemp, and applicable to the same purposes ... ... | the cwt. | 0 | 0 | 1 |
| Horns, horn tips, and pieces of horns, not otherwise charged with duty ... ... ... ... ... | the cwt. | { See note at end of table. | | |
| Indigo the produce of and imported from any British possession | the lb. | 0 | 0 | 3 |
| Lac, *viz* stick lac ... ... ... ... ... | the cwt. | 0 | 1 | 0 |

| | | £. | s. | d. |
|---|---|---|---|---|
| Mace imported from any British possession within the limits of the East-India Company's Charter ... ... | the lb. | See note at end of table. | | |
| Madder ... ... ... ... ... ... | the cwt. | 0 | 2 | 0 |
| ——— Root ... ... ... ... ... | the cwt. | 0 | 0 | 6 |
| Myrrh ... ... ... ... ... ... | the cwt. | 0 | 6 | 0 |
| Nutmegs imported from any British possession within the limits of the East-India Company's Charter ... ... | the lb. | 0 | 2 | 6 |
| Oil of Castor, the produce of and imported from any British possession ... ... ... ... ... | the cwt. | See note at end of table. | | |
| — of hemp seed imported from any British possession ... | the tun | 1 | 0 | 0 |
| — of linseed imported from any British possession ... | the tun | 1 | 0 | 0 |
| Olibanum ... ... ... ... ... ... | the cwt. | 0 | 6 | 0 |
| Opium ... ... ... ... ... ... | the lb. | 0 | 4 | 0 |
| ——— Extract or preparation of. *See* Extract. | | | | |
| Pepper of all sorts imported from any British possession within the limits of the East-India Company's Charter ... ... | the lb. | See note at end of table. | | |
| ——— imported from any other place within those limits ... | the lb. | | | |
| Rice, the produce of and imported from any British possession, *viz.* | | | | |
| - - - not being rough and in the husk ... ... | the cwt. | 0 | 1 | 0 |
| - - - rough and in the husk or paddy ... ... | the quarter | 0 | 0 | 1 |
| Safflower ... ... ... ... ... ... | the cwt. | 0 | 1 | 0 |
| Sago ... ... ... ... ... ... | the cwt. | 0 | 1 | 0 |
| Sal Ammoniac ... ... ... ... ... | the cwt. | 0 | 1 | 0 |
| Saltpetre ... ... ... ... ... ... | the cwt. | 0 | 0 | 6 |
| Sapan Wood ... ... ... ... ... | the ton | 0 | 1 | 0 |
| Sassafras ... ... ... ... ... ... | the cwt. | 0 | 2 | 0 |
| Seed, Linseed ... ... ... ... ... | the quarter | 0 | 1 | 0 |
| Silks, *viz.* | | | | |
| —— Knubs or husks of silk, and waste silk ... ... | the cwt. | 0 | 1 | 0 |
| —— Raw Silk ... ... ... ... ... | the lb. | 0 | 0 | 1 |
| —— Thrown Silk, not dyed, *viz.* | | | | |
| - - - - Singles ... ... ... ... ... | the lb. | 0 | 1 | 6 |
| - - - - Tram ... ... ... ... ... | the lb. | 0 | 2 | 0 |
| - - - - Organzine and Crape Silk ... ... ... | the lb. | 0 | 3 | 6 |
| —— Thrown Silk, dyed, *viz.* | | | | |
| - - - - Singles or Tram ... ... ... ... | the lb. | 0 | 3 | 0 |
| - - - - Organzine or Crape Silk ... ... ... | the lb. | 0 | 5 | 2 |
| —— Manufactures of Silk, or of Silk mixed with any other material, the produce of and imported from British possessions within the limits of the East-India Company's Charter ... | for every 100*l.* of the value | 20 | 0 | 0 |
| Soap, the produce of and imported from any British possession in the East-Indies, *viz.* | | | | |
| - - - - hard ... ... ... ... ... | the cwt. | 1 | 8 | 0 |

| | | £ | s. | d. |
|---|---|---|---|---|
| Soap, - - - - soft ... ... ... ... ... | the cwt. | 1 | 3 | 0 |
| Spirits or Strong Waters of all sorts, *viz.* | | | | |
| - - - Spirits or Strong Waters, the produce of any British possession within the limits of the East-India Company's Charter, not being sweetened Spirits or Spirits mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by Sikes's Hydrometer ... ... | the gallon | 0 | 15 | 0 |
| - - - Spirits, Cordials, or Strong Waters respectively (not being the produce of any British possession in America), sweetened or mixed with any article, so that the degree of strength thereof cannot be exactly ascertained by Sikes's Hydrometer ... | the gallon | 1 | 10 | 0 |
| Sugar, *viz.* | | | | |
| ——— Brown or Muscovado or clayed, not being refined, the growth, produce, or manufacture of any British possession within the limits of the East-India Company's Charter, and imported from thence ... | the cwt. (See note at end of table.) | | | |
| ——— Molasses, the produce of and imported from any British possession, | the cwt. | 0 | 9 | 0 |
| ——— refined ... ... ... ... ... | the cwt. | 8 | 8 | 0 |
| ——— Candy, Brown ... ... ... ... | the cwt. | 5 | 12 | 0 |
| ——— White ... ... ... ... ... | the cwt. | 8 | 8 | 0 |
| Talc ... ... ... ... ... ... | the lb. | 0 | 0 | 8 |
| Teeth, *viz.* Elephant's, Sea Cow, Sea Horse, or Sea Morse Teeth, | the cwt. (See note at end of table.) | | | |
| Terra, Japonica or Catechu ... ... ... ... | the cwt. | 0 | 1 | 0 |
| Tobacco, unmanufactured ... ... ... ... | the lb. | 0 | 3 | 0 |
| ——— manufactured, or Segars ... ... ... | the lb. | 0 | 9 | 0 |
| Tortoiseshell or Turtleshell, unmanufactured, imported from any British possession ... ... ... ... ... ... | the lb. | 0 | 0 | 1 |
| Turmerick imported from any British possession ... ... | the cwt. | 0 | 2 | 4 |
| Wood, *viz.* | | | | |
| ——— Teake Wood imported from any British possession within the limits of the East-India Company's Charter, the load, containing 50 cubic feet ... ... ... ... ... ... | | 0 | 0 | 1 |
| - - - imported from any other place within those limits, the load, containing 50 cubic feet ... ... ... ... | | 0 | 10 | 0 |
| Wool, *viz.* | | | | |
| ——— Cotton Wool, or Waste of Cotton Wool | | | | |
| - - - the produce of and imported from any British possession, | the cwt. | 0 | 0 | 4 |
| Goat's Wool or Hair | | | | |
| - - - the produce of and imported from any British possession ... | | Free. | | |

By 5 & 6 Wm. 4, cap. 66, the duty on coffee, the produce of British possessions within the limits of the Charter, and imported from such

possessions, is 6d. per pound. The mode of regulating the entry will be seen by a reference to the Act.

By 6 & 7 Wm. 4, cap. 26, sec. 1, (continued by later enactments), the duty on sugar, the growth of British possessions within the limits of the Charter, into which the importation of foreign sugar may by that Act be prohibited and imported from thence is, £1. 4s. per cwt. Section 3 prohibits the importation of sugar into the presidency of Bengal and its dependencies, except by appointment of the Governor-general in Council; and section 4 excludes the districts, thus excepted from the prohibition, from the privilege of the lower rate of duty. The 1st Vic. cap. 27, sec. 3, provides that on satisfactory proof being laid before Her Majesty in Council, that the importation of sugar was prohibited in any British possession within the limits of the Charter, an order might issue from time to time to allow the importation of sugar from such possession at the reduced rate of duty. This provision was repeated in 1 & 2 Vic. cap. 3, and 2 & 3 Vic. cap. 21. The sugar of those British possessions in India into which importation is not prohibited, is subject to a duty of £1. 12s. per cwt.

By Act No. 15 of 1839, the government of India has prohibited the importation of sugar into the territories subject to the presidency of Fort Saint George.

By 6 & 7 Will. 4, cap. 60, sec. 12, and 1 & 2 Vict. cap. 113, sec. 16, the rates of duty on the articles following are thus fixed. Asphaltum 1s. per ton; Horns, horn tips and pieces of Horns, 1s. per ton; Castor oil, 1s. 3d. per cwt.; Cloves, 6d. per lb.; Mace, 2s. 6d. per lb.; Cassia fistula, 1d. per lb.; Nutmegs wild in the shell 1s. per lb.; Pepper, 6d. per lb.; Elephant's teeth, 1s. per cwt.

For duties on Tea, see 5 & 6 Will. 4, cap. 32.

For duties payable in India, see Acts of Government of India, No. 14 of 1836, and No. 1 of 1838, in Appendix.

---

3 & 4 GULIELMI IV. Cap. LIX.

AN ACT *to regulate the Trade of the British Possessions Abroad.*

[28*th August* 1833.]

Goods prohibited or restricted to be imported into colonies.

VII. And be it further enacted, that the several sorts of goods enumerated or described in the table following, denominated "A Table of Prohibitions and Restrictions," are hereby

prohibited to be imported or brought either by sea or by inland carriage or navigation, into the British possessions in America, or shall be so imported or brought only under the restrictions mentioned in such table, according as the several sorts of such goods are set forth therein; (that is to say),

A TABLE OF PROHIBITIONS AND RESTRICTIONS.

* * * * * * *

Coffee, (1)
Sugar,
Molasses,
Rum,

Being of foreign production, or the production of any place within the limits of the East-India Company's Charter, prohibited to be imported into any of the British possessions on the continent of South America, or in the West-Indies (the Bahama and Bermuda Islands not included), except to be warehoused for exportation only; and may also be prohibited to be imported into the Bahama or the Bermuda Islands by his Majesty's order in Council.

* * * * * * * *

Goods imported contrary hereto, forfeited.

And if any goods shall be imported or brought into any of the British possessions in America contrary to any of the prohibitions or restrictions mentioned in such table in respect of such goods, the same shall be forfeited; and if the ship or vessel in which such goods shall be imported be of less burthen than seventy tons, such ship or vessel shall also be forfeited.

(1) [The 1 and 2 Vict. cap. 113, sec. 24, repeals so much of this Act as prohibits the importation of coffee the produce of British possessions within the limits of the Charter, into any of the British possessions in the West-Indies and into the Island of Mauritius.

Duties of importation in America.

IX. And be it further enacted, that there shall be raised, levied, collected, and paid unto his Majesty the several duties of Customs, as the same are respectively set forth in figures in the table of duties herein-after contained, upon goods, wares, and merchandise imported or brought into any of his Majesty's possessions in America; (that is to say,)

* * * * * * * *

DUTIES payable upon Goods, Wares, and Merchandise, not being of the Growth, Production, or Manufacture of the United Kingdom, or of any of the British Possessions in America, imported or brought into any of the British Possessions in America, by Sea or by Inland Carriage or Navigation.

(A few only of the principal articles are mentioned here: for others it will be necessary to refer to the Act.)

| | | £ | s. | d. |
|---|---|---|---|---|
| Imported into any of the British possessions in America, *viz.* | | | | |
| ——— Spirits, *viz.* | | | | |
| - - - - Brandy, Geneva, or Cordials, and other Spirits, except Rum ... ... ... | the gal. | 0 | 1 | 0 |
| - - - - And further, the amount of any duty payable for the time being on Spirits the Manufacture of the United Kingdom. | | | | |

| | | £ | s. | d. |
|---|---|---|---|---|
| - - - - Rum, ... ... ... ... | the gal. | 0 | 0 | 6 |
| And further, the amount of any duty payable for the time being on Rum of the British possessions in South America or the West Indies. | | | | |
| * * * * * * * | | | | |
| ——— Coffee ... ... ... ... ... | the cwt. | 0 | 5 | 0 |
| ——— Cocoa ... ... ... ... ... | the cwt. | 0 | 5 | 0 |
| ——— Sugar ... ... ... ... ... | the cwt. | 0 | 5 | 0 |
| ——— Molasses ... ... ... .. ... | the cwt. | 0 | 3 | 0 |
| - - - And further, the amount of any duty payable for the time being on Coffee, Cocoa, Sugar, and Molasses respectively, being the produce of the British possession in South America or the West Indies. | | | | |
| * * * * * * * | | | | |
| Silk Manufactures ... ... ... ... | For every 100*l.* of value. | 30 | 0 | 0 |
| Tobacco Manufactured ... ... ... | For every 100*l.* of value. | 20 | 0 | 0 |
| Cotton Mananufactures ... ... ... | | | | |

A variety of articles, which are enumerated, are subjected to an *ad valorem* duty of seven and a half per cent. Goods not otherwise charged and not declared free, are chargeable with a duty of fifteen per cent. Among the articles admitted free of duty are the following:

Goods the produce of places within the limits of the East-India Company's Charter imported from those places, or from the United Kingdom, or from some other place in the British dominions.

The 49th section subject goods imported into the Island of Mauritius to the same duties and regulations as those imported into the West-India Islands.

Certificate of production of East-India sugar.

LXXXIII. And be it further enacted, that it shall be lawful for any person, being the shipper of any sugar the produce of some British possession within the limits of the East-India Company's Charter, to be exported from any place in such possession, to go before the collector or controller or other chief officer of the Customs at such place, or if there be no such officer of the customs, to go before the principal officer of such place, or the judge or commercial resident of the district, and make and sign an affidavit before him that such sugar was really and *bonâ fide* the produce of such British possession, to the best of his knowledge and belief; and such officer, judge, or resident is hereby authorized and required to administer such affidavit, and to grant a certificate thereof, setting forth in such certificate the name of the ship in which the sugar is to be exported, and the destination of the same.

Ships built prior to 1st January 1816 deemed British ships within certain limits.

LXXXIV. And be it further enacted, that all ships built at any place within th limits of the East-India Company's Charter prior to the first day of January one thousand eight hundred and sixteen, and which then were and have continued ever since to be solely the property of his Majesty's subjects, shall be deemed to be British ships, for all the purposes

of trade within the said limits, including the Cape of Good Hope, anything in this Act, or in any other Act or Acts passed in this present session of Parliament, to the contrary notwithstanding.

---

## 3 & 4 GULIELMI IV. Cap. LXXIII.

AN ACT *for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves.* [28*th August* 1833.]

Act not to extend to East-Indies, &c.

LXIV. And be it further enacted, that nothing in this Act contained doth or shall extend to any of the territories in the possession of the East-India Company, or to the island of Ceylon, or to the island of Saint Helena.

---

## 3 & 4 GULIELMI IV. Cap. LXXXII.

AN ACT *to allow the People called Separatists to make a solemn Affirmation and Declaration instead of an Oath.* [28*th August* 1833.]

Whereas there are in various places in Ireland, and in some parts of England, and elsewhere, certain Dissenters from the United Church of England and Ireland and from the Church of Scotland, commonly called Separatists, the members of which class or sect of Dissenters, from conscientious scruples, refuse to take an oath in Courts of justice and other places, and in consequence thereof are exposed to great losses and inconveniences in their trades and concerns, and are subject to fines and to imprisonment for contempt of Court, and the community at large are deprived of the benefit of their testimony: and whereas it is therefore expedient that the said sect called Separatists should be relieved in manner hereinafter mentioned; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that every person for the time being belonging to the said sect called Separatists, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or may be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following: *videlicet*,

Separatists, instead of an oath, may make affirmation.

"I, *A. B.*, do, in the presence of Almighty God, solemnly, sincerely, and truly affirm "and declare that I am a member of the religious sect called Separatists, and that "the taking of any oath is contrary to my religious belief, as well as essentially op- "posed to the tenets of that sect; and I do also in the same solemn manner affirm and "declare.

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all Courts of justice and other places whatsoever where by law an oath is or may be required, as if such Separatists had taken an oath in the usual form.

Such affirmation shall have the effect of an oath.

II. And be it further enacted, that if any person making such solemn affirmation or declaration shall in fact not be one of the people commonly called Separatists, or shall wilfully, falsely, and corruptly affirm or declare any other matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties and forfeitures as by the law and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Persons making a false affirmation to be subject to the same punishment as for perjury.

*Vide* 3 & 4 Wm. 4, cap. 49, and 1 & 2 Vic. cap. 77, as to Quakers and Moravians.

---

## 3 & 4 GULIELMI IV. Cap. LXXXV.

AN ACT *for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth Day of April one thousand eight hundred and fifty-four.* [28*th August* 1833.]

Whereas by an Act passed in the fifty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," the possession and government of the British territories in India were continued in the United Company of Merchants of England trading to the East-Indies for a term therein mentioned; and whereas the said Company are entitled to or claim the lordships and islands of St. Helena and Bombay under grants from the Crown, and other property to a large amount in value, and also certain rights and privileges not affected by the determination of the term granted by the said recited Act; and whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal assets and property whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament in consideration of certain provisions herein-after mentioned, and have also consented that their right to trade for their own profit in common with other his Majesty's subjects be suspended during such time as the government of the said territories shall be confided to them: and whereas it is expedient that the said territories now under the government of the said Company be continued under such government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend herein-after secured to them, and that the property of the said Company be continued in their possession

53 G. 3, c. 155.

and at their disposal, in trust for the Crown, for the service of the said government, and other purposes in this Act mentioned: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April one thousand eight hundred and thirty-four, the territorial acquisitions and revenues mentioned or referred to in the said Act of the fifty-third year of his late Majesty King George the Third, together with the port and island of Bombay, and all other territories now in the possession and under the government of the said Company, except the island of St. Helena, shall remain and continue under such government until the thirtieth day of April one thousand eight hundred and fifty-four; and that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said island of St. Helena, and the stores and property thereon herein-after mentioned, subject to the debts and liabilities now affecting the same respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seised or possessed of or entitled unto on the said twenty-second day of April one thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said Company, in trust for his Majesty, his heirs and successors, for the service of the government of India, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the dividend on their capital stock, secured to them as herein-after is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

The British territories in India to remain under the government of the Company till 30th April 1854.

Real and personal property of the Company to be held in trust for the Crown, for the service of India.

II. And be it enacted, that all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever granted to or continued in the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same or any of them are in force, and not repealed by or repugnant to the enactments herein-after contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all persons whomsoever, subject to the superintendence, direction, and control herein-before mentioned, until the thirtieth day of April one thousand eight hundred and fifty-four.

All privileges, powers, &c. granted by 53 G. 3, c. 155, for the term thereby limited;

and all enactments not repugnant to this Act;

as also all rights and immunities of the Company, to be in force until April 1854, subject to control.

III. Provided always, and be it enacted, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four, the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

From 22d April 1834, China and tea trade of Company to cease.

IV. And be it enacted, that the said Company shall, with all convenient speed after the said twenty-second day of April one thousand eight hundred and thirty-four, close their com-

Company to close their commercial business, and to sell their

mercial business, and make sale of all their merchandize, stores, and effects at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever which may not be retained for the purposes of the Government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishments as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property herein-before directed to be sold, or which shall not be carried on for the purposes of the said Government.

property not retained for Government.

V. Provided always, and be it enacted, that nothing herein contained shall prevent the said Company from selling, at the sales of their own goods and merchandize by this Act directed or authorized to be made, such goods and merchandize the property of other persons as they may now lawfully sell at their public sales.

Company not prevented selling goods the property of other persons.

VI. And be it enacted, that the Board of Commissioners for the affairs of India shall have full power to superintend, direct, and control the sale of the said merchandize, stores, and effects, and other property herein-before directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said commercial establishments shall be continued and reduced respectively, and to control the allowance and payment of all claims upon the said Company connected with the commercial branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such officers as shall be necessary to attend upon the said Board during the winding-up of the commercial business of the said Company; and that the charge of such salaries or allowances as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such officers, shall be defrayed by the said Company, as herein-after mentioned, in addition to the ordinary charges of the said Board.

Board of Control to superintend the sale of the property, the reduction of the commercial establishments, payment of commercial claims, &c.

Board to appoint officers to attend them during the winding-up of the commercial business.

VII. And be it enacted, that it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's trade, or who may from time to time be reduced, and, under the control of the said Board, to grant such compensations, superannuations, or allowances (the charge thereof to be defrayed by the said Company as herein-after mentioned) as shall appear reasonable: provided always, that no such compensations, superannuations, or allowances shall be granted until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The Company may consider claims of commercial officers reduced, and, under the control of the Board, grant compensations.

VIII. Provided always, and be it enacted, that within the first fourteen sitting days after the first meeting of Parliament in every year there be laid before both Houses of Parliament the particulars of all compensations, superannuations, and allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

The particulars thereof to be laid before Parliament every year.

IX. And be it enacted, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four, all the bond debt of the said Company in Great

Company's debts and liabilities charged on India.

Britain, and all the territorial debt of the said Company in India, and all other debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses which after the said twenty-second day of April one thousand eight hundred and thirty-four, may become payable by the said Company in respect or by reason of any covenants, contracts, or liabilities then existing, and all debts, expenses, and liabilities whatever which after the same day shall be lawfully contracted and incurred on account of the Government of the said territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the revenues of the said territories; and that neither any stock or effects which the said Company may hereafter have to their own use, nor the dividend by this Act secured to them, nor the Directors or proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

While India is under government of the Company, their property to continue subject to execution.

X. Provided always, and be it enacted, that so long as the possession and government of the said territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in trust as aforesaid shall be subject and liable to the same judgments and executions, in the same manner and form respectively as if the said property were hereby continued to the said Company to their own use.

A dividend of 10*l.* 10*s.* per cent. per annum, to be paid on Company's stock by half-yearly payments in Great Britain.

XI. And be it enacted, that out of the revenues of the said territories there shall be paid to or retained by the said Company, to their own use, a yearly dividend after the rate of ten pounds ten shillings per centum per annum on the present amount of their capital stock; (1) the said dividend to be payable in Great Britain, by equal half-yearly payments, on the sixth day of January and the sixth day of July in every year; the first half-yearly payment to be made on the sixth day of July one thousand eight hundred and thirty-four.

(1) [The original capital of the English Company trading to the East-Indies was £2,000,000. The 6th Anne, cap. 17 (under which the union of the two Companies was effected) authorized an increase of £1,200,000 to be raised by additional subscriptions of the Proprietors. This addition was made for the purpose of granting a loan to the Crown, and very stringent proceedings were prescribed with respect to those Proprietors who refused or neglected to pay up their quota of the additional subscription. By 26 Geo. 3, cap. 62, a further addition of £800,000 was sanctioned, and it was provided that the new stock might be subscribed at the rate of £160 per cent. The 29 Geo. 3, cap. 65, empowered the Company again to increase their capital stock by an addition of £1,000,000, and provision was granted to receive subscriptions for the increased amount at the rate of £170 per cent. A further extension took place under 33 Geo. 3, cap. 47, to the amount of £1,000,000, which was allowed to be raised at the rate of £200 per cent. The 37 Geo. 3, cap. 31, authorized an addition of £2,000,000.

No increase of capital however took place under that Act, and the Company were permittcd by 47 Geo. 3, cap. 41, to raise the required sum on bond. The amount of capital stock thus remained at £6,000,000. The dividend secured on the suspension of the Company's trade was to the same amount as had been paid without interruption from the year 1793, and which had been confirmed by 33 Geo. 3, cap. 52, and 53 Geo. 3, cap. 155.]

Dividend to be subject to redemption by Parliament after April 1874, on payment of 200*l.* for 100*l.* stock.

XII. Provided always, and be it enacted, that the said dividend shall be subject to redemption by Parliament upon and at any time after the thirtieth day of April one thousand eight hundred and seventy-four, on payment to the Company of two hundred pounds sterling for every one hundred pounds of the said capital stock, together with a proportionate part of the same dividend, if the redemption shall take place on any other day than one of the said half-yearly days of payment: provided also, that twelve months' notice in writing, signified by the Speaker of the House of Commons by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said dividend.

Notice of redemption.

If Company deprived of the government of India, they may demand redemption of the dividend.

XIII. Provided always, and be it enacted, that if on or at any time after the said thirtieth day of April one thousand eight hundred and fifty-four, the said Company shall by the expiration of the term hereby granted, cease to retain, or shall by the authority of Parliament be deprived of the possession and government of the said territories, it shall be lawful for the said Company within one year thereafter to demand the redemption of the said dividend, and provision shall be made for redeeming the said dividend, after the rate aforesaid, within three years after such demand.

Company to pay to Commissioners for Reduction of National Debt 2,000,000*l.*;

to be placed to account of Security Fund of the Company.

XIV. And be it enacted, that there shall be paid by the said Company into the Bank of England, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of two millions sterling, with compound interest after the rate of three pounds ten shillings per centum per annum, computed half-yearly from the said twenty-second day of April one thousand eight hundred and thirty-four, on so much of the said sums as shall from time to time remain unpaid; and the cashiers of the said Bank shall receive all such sums of money, and place the same to a separate account with the said Commissioners, to be intituled "The Account of the Security Fund of the India Company;" and that as well the monies so paid into the said Bank as the dividends or interest which shall arise therefrom shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of capital stock in any of the redeemable Public Annuities transferable at the Bank of England; which capital stock so purchased shall be invested in the names of the said Commissioners on account of the said Security Fund, and the dividends payable thereon shall be received by the said cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of twelve millions sterling; and the said monies, stock, and dividends, or interest, shall be a Security Fund for better securing to the said Company the redemption of their said dividend after the rate herein-before appointed for such redemption.

Monies and dividends to be laid out in securities and dividends placed to the same account, until the whole amounts to 12 millions.

Commissioners for Reduction of National Debt, upon requisition

XV. Provided always, and be it enacted, that it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, and they are hereby required, upon

of Court, may raise money for paying the dividend in case of failure or delay of remittance of proper funds.

requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's dividend by reason of any failure or delay of the remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct; to be repaid into the Bank of England to the account of the Security Fund, with interest after such rate as the Court of Directors, with the approbation of the said Court, shall fix, out of the remittances which shall be made for answering such dividend, as and when such remittances shall be received in England.

Application of dividends of Security Fund and the fund itself in aid of revenues.

XVI. Provided always, and be it enacted, that all dividends on the capital stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such fund shall have amounted to the sum of twelve millions sterling, until the said fund shall be applied to the redemption of the said Company's dividend, and also all the said Security Fund, or so much thereof as shall remain after the said dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the revenues of the said territories.

Company's dividends to be paid out of revenues in preference to other charges, and 2,000,000*l.* to be paid out of debt due from the public and by sale of stock.

XVII. And be it enacted, that the said dividend on the Company's capital stock shall be paid or retained as aforesaid out of such part of the revenues of the said territories as shall be remitted to Great Britain, in preference to all other charges payable thereout in Great Britain; and that the said sum of two millions sterling shall be paid in manner aforesaid out of any sums which shall on the said twenty-second day of April one thousand eight hundred and thirty-four, be due to the said Company from the public as and when the same shall be received, and out of any monies which shall arise from the sale of any government stock on that day belonging to the said Company, in preference to all other payments thereout; and that, subject to such provisions for priority of charge, the revenues of the said territories, and all monies which shall belong to the said Company on the said twenty-second day of April one thousand eight hundred and thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the government of the said territories and in defraying all charges and payments by this Act created, or confirmed and directed to be made respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct; any thing in any other Act or Acts contained to the contrary notwithstanding.

Subject to such priorities, revenues and monies to be applied to service of India and purposes of this Act, under control.

Not to prejudice persons claiming under a covenant between the Company and the creditors of the Nabobs of Arcot, &c.

XVIII. Provided also, and be it enacted, that nothing herein contained shall be construed or operate to the prejudice of any persons claiming or to claim under a deed of covenants, dated the tenth day of July one thousand eight hundred and five, and made between the said Company of the one part, and the several persons whose hands should be thereto set and affixed, and who respectively were or claimed to be creditors of his Highness the Nabob Wallah Jah, formerly Nabob of Arcot and of the Carnatic in the East-Indies, and now deceased, and of his Highness the Nabob Omduh ul Omrah, late Nabob of Arcot and of the Carnatic, and now also deceased, and of his Highness the Ameer ul Omrah, of the other part.

His Majesty may appoint Commissioners for the affairs of India.

XIX. And be it enacted, that it shall and may be lawful for his Majesty by any letters patent, or by any commission or commissions to be issued under the great seal of Great

Britain from time to time to nominate, constitute, and appoint, during pleasure, such persons as his Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of India; and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of India in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

Ex-officio Commissioners.

XX. And be it enacted, that the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer for the time being shall, by virtue of their respective offices, be and they are hereby declared to be Commissioners for the Affairs of India, in conjunction with the persons to be nominated in any such commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such commission, in the order in which they are herein mentioned, next after the Commissioner first named therein.

Two Commissioners may form a Board;

first-named to be President; in his absence the next in order.

XXI. And be it enacted, that any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of India; and that the Commissioner first named in any such letters patent or commission, for the time being, shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act or in the said commission, of those who shall be present, shall for that turn preside at the said Board.

President and occasional President to have the casting vote.

XXII. And be it enacted, that if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion the President, or in his absence the Commissioner acting as such, shall have two voices or the casting vote.

The Board to appoint two secretaries and other officers.

President, secretaries, and officers to be paid such salaries as the Crown shall direct.

XXIII. And be it enacted, that the said Board shall and may nominate and appoint two secretaries, and such other officers as shall be necessary, to attend upon the said Board, who shall be subject to dismission at the pleasure of the said Board; and each of the said secretaries shall have the same powers, rights, and privileges as by any Act or Acts now in force are vested in the chief secretary of the Commissioners for the Affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said secretaries and other officers, shall be paid by the said Company such fixed salaries as his Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being direct. (1)

(1) Provisions relating to the constitution, duties, and expenses of the Board, will be found in 33 Geo. 3, cap. 52, sections 5, 6 and 8, and 53 Geo. 3, cap. 155, sections 90 and 91.]

Secretaries and officers to take oaths if required by the Board.

XXIV. And be it enacted, that if at any time the said Board shall deem it expedient to require their secretaries and other officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

The Board of Commissioners to control all acts concerning India, and the sale of property.

XXV. And be it enacted, that the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company which in anywise relate to or concern the government or revenues of the said territories, or the property hereby vested in the said Company in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said revenues and property respectively, except as herein-after is mentioned. (1)

(1) [*Vide* sections 37 and 110 of this Act; also 28 Geo. 3, cap. 8, sections 3 and 4, and 33 Geo. 3, cap. 52, sections 17 and 18.]

Commissioners, secretaries, and officers, on 22d April 1834, to continue until their appointments are revoked.

XXVI. And be it enacted, that the several persons who on the said twenty-second day of April one thousand eight hundred and thirty-four, shall be Commissioners for the Affairs of India, and secretaries and officers of such Board of Commissioners, shall continue and be Commissioners for the Affairs of India, and secretaries and officers of the said Board respectively, with the same powers and subject to the same restrictions as to salaries as if they had been appointed by virtue of this Act, until by the issuing of new patents, commissions, or otherwise, their appointments shall be respectively revoked.

Proprietors may vote by attorney in election of Directors.

XXVII. And be it enacted, that if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any proprietor, who shall be resident within the United Kindom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of attorney, he shall be at liberty so to do, provided that such letter of attorney shall in every case express the name or names of the candidate or candidates for whom such proprietor shall be so desirous of voting, and shall be executed within ten days next before such election; and the attorney constituted for such purpose shall in every case deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; and every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the peace by the proprietor, directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by proprietors voting upon ballots at general Courts of the said Company, and in which such proprietor shall also state the day of the execution of such letter of attorney; and any person making a false oath or affirmation before a Justice of the peace for the purpose aforesaid shall be held to have thereby committed wilful perjury; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the peace as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by law against subornation of perjury. (1)

(1) [By 5 & 6 Wm. 4, cap. 64, sect. 6, letters or powers of attorney for voting on any election of a Director or Directors of the East-India Company are exempted from all stamp duties].

Repeal of restriction in 13 G. 3, c. 63, with respect to any person employed in the East-Indies being chosen Director.

XXVIII. And be it enacted, that so much of the Act of the thirteenth year of the reign of King George the Third, intituled, "An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company as well in India as in Europe," as enacts that no person employed in any civil or military station in the East-Indies, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being

appointed or chosen into the office of Director until such person shall have returned to and been resident in England for the space of two years, shall be and is hereby repealed: provided, that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such a person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to England, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

If such person has unsettled accounts, he shall be ineligible for two years, unless they are sooner settled.

XXIX. And be it further enacted, that the said Court of Directors shall from time to time deliver to the said Board copies of all minutes, orders, resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within eight days after the holding of such Courts respectively, and also copies of all letters, advices, and dispatches whatever, which shall at any time or times be received by the said Court of Directors or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require. (1)

Court to deliver to Board copies of minutes, &c. of Courts of Proprietors and Directors, and of all material letters and dispatches.

(1) [*Vide* Section 34].

XXX. And be it enacted, that no orders, instructions, dispatches, official letters, or communications whatever, relating to the said territories or the government thereof, or to the property or rights vested in the said Company in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose that copies of all such orders, instructions, dispatches, official letters, or communications which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of two months after the receipt of such proposed orders, instructions, dispatches, official letters, or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the secretaries of the said Board, by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance any of such proposed orders, instructions, dispatches, official letters, or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the secretaries of the said Board, by order of the said Board, their reason in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters, or communications, in the form approved by the said Board, to their proper destinations: provided always, that it shall be lawful for the said Board, by minutes from time to time to be made for that purpose and entered on the records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, dispatches, official letters, or communications as shall in such minutes be described to be sent or given by the said Court without having been previously laid before the said Board.

No official communications to be sent by the Court until approved by the Board;

except such classes of communications as the Board may allow.

XXXI. And be it enacted, that whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space of fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, dispatches, official letters, or commu-

If the Court omit to frame official communications for consideration of the Board, they may prepare them.

Court to send them.

nications, together with their directions relating thereto; and the said Directors are hereby required forthwith to transmit the same to their proper destinations.

Representations may be made by Court as to official communications; and Board to consider such representations, and give final orders.

XXXII. Provided always, and be it enacted, that nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within fourteen days, by representation in writing to the said Board, such remarks, observations, or explanations as they shall think fit touching or concerning any directions which they shall receive from the said Board; and that the said Board shall and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

If Court think the orders of Board contrary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon; such opinion to be conclusive.

XXXIII. And be it enacted, that if it shall appear to the said Court of Directors that any orders, instructions, dispatches, official letters or communications, except such as shall pass through the Secret Committee, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to three or more of the judges of his Majesty's Court of King's Bench, for the opinion of the said judges; and the said judges are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman; which opinion shall be final and conclusive.

Board not empowered to appoint officers of the Company, or to interfere with home officers.

XXXIV. Provided always, and be it enacted and declared, that the said Board shall not have the power of appointing any of the servants of the said Company, or of directing or interfering with the officers and servants of the said Company,(1) employed in the home establishment, nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said home establishment, or with the legal advisers of the said Company.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 14.]

Directors to appoint a Secret Committee, who shall take the following oath.

XXXV. And be it enacted, that the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding three of the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an oath of the tenor following; (that is to say,)

"I, *A. B.*, do swear, that I will, according to the best of my skill and judgment, "faithfully execute the several trusts and powers reposed in me as a member of the "Secret Committee appointed by the Court of Directors of the India Company; I will "not disclose or make known any of the secret orders, instructions, dispatches, official "letters or communications which shall be sent or given to me by the Commissioners "for the Affairs of India, save only to the other members of the said Secret Committee, "or to the person or persons who shall be duly nominated and employed in transcribing "or preparing the same respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same.

"So help me GOD."

Which said oath shall and may be administered by the several and respective members of the said Secret Committee to each other; and, being so by them taken and subscribed, shall be recorded by the secretary or deputy secretary of the said Court of Directors for the time being amongst the acts of the said Court.(1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 74.]

If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

XXXVI. Provided also, and be it enacted, that if the said Board shall be of opinion that the subject matter of any of their deliberations concerning the levying war or making peace, or treating or negotiating with any of the native princes or states in India, or with any other princes or states, or touching the policy to be observed with respect to such princes or states, intended to be communicated in orders, dispatches, official letters or communications, to any of the governments or presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters or communications, to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said Board, to the respective governments and presidencies, officers and servants; and that the said governments and presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors.(1)

(1) [For other enactments respecting the Secret Committee and the persons employed under it, see 33 Geo. 3, cap. 52, sections 19, 21, & 22, and 53 Geo. 3, cap. 155, sections 73, 74, 75, & 76.]

The Court to submit to the Board an estimate of salaries of Directors and other expenses of the India House, which shall be subject to reduction.

XXXVII. And be it enacted, that the said Court of Directors shall, before the twenty-second day of April one thousand eight hundred and thirty-four, and afterwards from time to time so often as reductions of the establishment of the said Court or other circumstances may require, frame and submit to the said Board an estimate of the gross sum which will be annually required for the salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the officers and secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors; and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: provided always, that such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid as of the other branches of the expenditure of the said Company.

The sum allowed to be applicable to such purposes, at discretion of the Court of Directors.

Accounts of application to be rendered.

Presidency of Fort William in Bengal to be divided into two Presidencies.

XXXVIII. And be it enacted, that the territories now subject to the government of the Presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the Presi-

dency of Fort William in Bengal, and the other of such presidencies to be styled the Presidency of Agra;(1) and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required, to declare and appoint what part or parts of any of the territories under the government of the said Company shall from time to time be subject to the government of each of the several presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient.

The Court to declare the limits from time to time of the several Presidencies.

(1) [By 5 & 6 Wm. 4, cap. 52, the Court of Directors are authorized under the control of the Board to suspend the execution of the contemplated division into two distinct presidencies. The same Act provides that during such suspension the Governor-general in Council may appoint a servant of the Company of ten years' residence to be Lieutenant-governor of the north-west provinces, under such limitations as may be prescribed.]

Government of India.

XXXIX. And be it enacted, that the superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in a Governor-general and counsellors, to be styled "The Governor-general of India in Council."

There shall be four ordinary councillors, three of whom shall be servants of the Company.

No military officer to hold any command whilst a member.

The fourth member not to be appointed from the Company's servants.

XL. And be it enacted, that there shall be four ordinary members of the said Council, three of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be or shall have been servants of the said Company; and each of the said three ordinary members of Council shall at the time of his appointment have been in the service of the said Company for at least ten years; and if he shall be in the military service of the said Company, he shall not during his continuance in office as a member of Council hold any military command, or be employed in actual military duties; and that the fourth ordinary member of Council shall from time to time be appointed from amongst persons who shall not be servants of the said Company by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his royal sign manual, countersigned by the President of the said Board; provided that such last-mentioned member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations; and it shall be lawful for the said Court of Directors to appoint the Commander-in-chief of the Company's forces in India, and if there shall be no such Commander-in-chief, or the offices of such Commander-in-chief and of Governor-general of India shall be vested in the same person, then the Commander-in-chief of the forces on the Bengal establishment, to be an extraordinary member of the said Council, and such extraordinary member of Council shall have rank and precedence at the Council Board next after the Governor-general.

Governor-general and the members of Council on 22d April 1834 to be so under this Act.

XLI. And be it enacted, that the person who shall be Governor-general of the Presidency of Fort William in Bengal on the twenty-second day of April one thousand eight hundred and thirty-four shall be the first Governor-general of India under this Act, and such persons as shall be members of Council of the same Presidency on that day shall be respectively members of the Council constituted by this Act.

Filling up vacancies in these offices.

XLII. And be it enacted, that all vacancies happening in the office of Governor-general of India shall from time to time be filled up by the said Court of Directors, subject to the approbation of his Majesty, to be signified in writing by his royal sign manual, countersigned by the President of the said Board. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80.]

The Governor-general in Council empowered to legislate for India, except as to matters herein mentioned.

XLIII. And be it enacted, that the said Governor-general in Council shall have power to make laws and regulations for repealing, amending, or altering any laws or regulations whatever now in force or hereafter to be in force in the said territories or any part thereof, and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all Courts of justice, whether established by his Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever within and throughout the whole and every part of the said territories, and for all servants of the said Company within the dominions of princes and states in alliance with the said Company; save and except that the said Governor-general in Council shall not have the power of making any laws or regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of his Majesty or the said Company, or any provisions of any Act hereafter to be passed in anywise affecting the said Company or the said territories or the inhabitants thereof, or any laws or regulations which shall in any way affect any prerogative of the Crown, or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

If the Court of Directors disallow the laws, Governor in Council to repeal them.

XLIV. Provided always, and be it enacted, that in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor-general in Council their disallowance of any laws or regulations by the said Governor-general in Council made, then and in every such case, upon receipt by the said Governor-general in Council of notice of such disallowance, the said Governor-general in Council shall forthwith repeal all laws and regulations so disallowed.

All such laws and regulations to be of the same force as any Act of Parliament.

XLV. Provided also, and be it enacted, that all laws and regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all Courts of justice whatsoever within the same territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of justice any laws or regulations made by the said Governor-general in Council.

Registration unnecessary.

*Restricting* the power of punishing with death European subjects, &c.

XLVI. Provided also, and be it enacted, that it shall not be lawful for the said Governor-general in Council, without the previous sanction of the said Court of Directors, to make any law or regulation whereby power shall be given to any Courts of justice, other than the Courts of justice established by his Majesty's Charters, to sentence to the punishment of death any of his Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of justice established by his Majesty's Charters.

The Court to submit to the Board rules for the procedure of the Governor-general in Council.

XLVII. And be it enacted, that the said Court of Directors shall forthwith submit, for the approbation of the said Board, such rules as they shall deem expedient for the procedure of the Governor-general in Council in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which rules shall prescribe the modes of promulgation of any laws or regulations to be made by the said Governor-general in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor-general in Council; and such rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: provided always, that such rules shall be laid before both Houses of Parliament in the session next after the approval thereof.

Rules to be laid before Parliament.

Quorum of Governor-general and members in Council.

XLVIII. Provided always, and be it enacted, that all laws and regulations shall be made at some meeting of the Council at which the said Governor-general and at least three of the ordinary members of Council shall be assembled, and that all other functions of the said Governor-general in Council may be exercised by the said Governor-general and one or more ordinary member or members of Council, and that in every case of difference of opinion at meetings of the said Council where there shall be an equality of voices the said Governor-general shall have two votes or the casting vote.

Manner of proceeding when any measure is proposed whereby the safety or peace of India may be essentially affected.

XLIX. Provided always, and be it enacted, that when and so often as any measure shall be proposed before the said Governor-general in Council whereby the safety, tranquillity or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor-general, essentially affected, and the said Governor-general shall be of opinion either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor-general and members of Council are hereby directed forthwith mutually to exchange with and communicate to each other in writing under their respective hands, to be recorded at large on their secret consultations, the grounds and reasons of their respective opinions; and if after considering the same, the said Governor-general and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor-general, of his own authority and on his own responsibility, to suspend or reject the measure so proposed in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor-general shall think fit and expedient.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 47, 48, 49, 50, 51, and 55.]

Council to assemble at any place in India.

L. And be it enacted, that the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor-general in Council within the said territories, and that as often as the said Council shall assemble within any of the presidencies of Fort Saint George, Bombay, or Agra,(1) the Governor of such presidency shall act as an extraordinary member of Council.

(1) [See note on section 38.]

Nothing in this Act to affect the right of Parliament to legislate for India.

LI. Provided always, and be it enacted, that nothing herein contained shall extend to affect in any way the right of Parliament to make laws for the said territories and for all the inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing

right and power is intended to be reserved to Parliament to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor-general in Council, and to repeal and alter at any time any law or regulation whatsoever made by the said Governor-general in Council, and in all respects to legislate for the said territories and all the inhabitants thereof in as full and ample a manner as if this Act had not been passed; and the better to enable Parliament to exercise at all times such right and power, all laws and regulations made by the said Governor-general in Council shall be transmitted to England, and laid before both Houses of Parliament, in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

Express reservation.

Laws and regulations to be laid before Parliament.

LII. And be it enacted, that all enactments, provisions, matters, and things relating to the Governor-general of Fort William in Bengal in Council, and the Governor-general of Fort William in Bengal alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the provisions of this Act, shall continue and be in force and be applicable to the Governor-general of India in Council, and to the Governor-general of India alone, respectively.

All enactments relating to supreme government shall apply to Governor-general of India in Council and alone.

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of judicial establishments and police, to which all persons whatsoever, as well Europeans as natives, may be subject, should be established in the said territories at an early period, and that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all laws and customs having the force of law within the same territories should be ascertained and consolidated, and as occasion may require amended; be it therefore enacted, that the said Governor-general of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a commission, and from time to time commissions, to such persons as the said Court of Directors with the approbation of the said Board of Commissioners, shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-general in Council shall think fit, all such persons, not exceeding in the whole at any one time five in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes herein-after mentioned; and the said Commissioners shall fully inquire into the jurisdiction, powers, and rules of the existing Courts of justice and police establishments in the said territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

A law commission to be appointed, to inquire into the jurisdiction, &c. of existing Courts of Justice and police establishments, and the operation of the laws.

Commissioners from time to time to report the result of their inquiries.

LIV. And be it enacted, that the said Commissioners shall follow such instructions with regard to the researches and inquiries to be made and the places to be visited by them, and all their transactions with reference to the objects of their commission, as they shall from time to time receive from the said Governor-general of India in Council; and they are hereby required to make to the said Governor-general in Council such special reports upon any matters as by

Commissioners to follow instructions of Governor-general in Council, and to make special reports when required.

Governor-general in Council to consider reports, and transmit them with opinions thereupon.

such instructions may from time to time be required; and the said Governor-general in Council shall take into consideration the reports from time to time to be made by the said Indian Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor-general in Council thereon, to the said Court of Directors; and which said reports, together with the said opinions or resolutions, shall be laid before both Houses of Parliament in the same manner as is now by law provided concerning the rules and regulations made by the several governments in India.

Salaries to be granted to Law Commissioners.

LV. And be it enacted, that it shall and may be lawful for the Governor-general of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expenses as may be incident to the said commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the India Company below the rank of Members of Council.

The executive government of the presidencies to be administered by a governor and three councillors.

LVI. And be it enacted, that the executive government of each of the several presidencies of Fort William in Bengal, Fort St. George, Bombay, and Agra shall be administered by a governor and three councillors, to be styled "The Governor in Council of the said Presidencies of Fort William in Bengal, Fort St. George, Bombay, and Agra, respectively;" and the said governor and councillors respectively of each such presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings, as the Governors in Council of the presidencies of Fort St. George and Bombay now have and observe, and that the Governor-general of India for the time being shall be Governor of the Presidency of Fort William in Bengal.

Directors empowered to revoke the appointment of councils, or to reduce the number of councillors.

LVII. Provided always, and be it enacted, that it shall and may be lawful for the said Court of Directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said Court shall in that behalf direct, the appointment of councils in all or any of the said presidencies, or to reduce the number of councillors in all or any of the said councils, and during such time as a council shall not be appointed in any such presidency the executive government thereof shall be administered by a governor alone.

Governors of Fort St. George and Bombay.

Governor of Agra, and vacancies in presidencies to be filled up by Court.

LVIII. And be it enacted, that the several persons who on the said twenty-second day of April one thousand eight hundred and thirty-four shall be governors of the respective presidencies of Fort Saint George and Bombay, shall be the first governors of the said presidencies respectively under this Act; and that the office of Governor of the said presidency of Agra, and all vacancies happening in the offices of the governors of the said presidencies respectively, shall be filled up by the said Court of Directors, subject to the approbation of his Majesty, to be signified under his royal sign manual, countersigned by the said President of the said Board of Commissioners. (1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 80.]

The governors of the presidencies to have the powers and immunities of the present governors of Madras and Bombay, but not to make laws or grant money.

LIX. And be it enacted, that in the presidencies in which the appointment of a council shall be suspended under the provision herein-before contained, and during such time as councils shall not be appointed therein respectively, the governors appointed under this Act, and in the presidencies in which councils shall from time to time be appointed, the said governors in their respective councils shall have all the rights, powers, duties, functions, and immunities whatsoever, not in anywise repugnant to this Act, which the Governors of Fort Saint George

and Bombay in their respective Councils now have within their respective presidencies; and that the governors and members of Council of presidencies appointed by or under this Act shall severally have all the rights, powers, and immunities respectively, not in anywise repugnant to this Act, which the governors and members of Council of the presidencies of Fort Saint George and Bombay respectively now have in their respective presidencies; provided that no governor or governor in Council shall have the power of making or suspending any regulations or laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such governor or governor in Council), and then only until the decision of the Governor-general of India in Council shall be signified thereon; and provided also, that no governor or governor in Council shall have the power of creating any new office, or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-general of India in Council.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

LX. Provided always, and be it enacted, that when and so often as the said Court of Directors shall neglect for the space of two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said Court shall have been received by the said Court, to supply such vacancy, then and in every such case it shall be lawful for his Majesty to appoint, by writing under his sign manual, such person as his Majesty shall think proper to supply such vacancy; and that every person so appointed shall have the same powers, privileges, and authorities as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of his Majesty. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 26.]

Power for the Court to make provisional appointments to any offices.

Provisional appointments of certain officers to be approved by his Majesty.

LXI. And be it enacted, that it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any vacancy or vacancies therein, when the same shall happen by the death or resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India with intent to return to Europe, or on any event or contingency expressed in any such provisional appointment or appointments to the same respectively, and such appointments again to revoke: provided that every provisional appointment to the several offices of Governor-general of India, governor of a presidency, and the member of Council of India, by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of his Majesty, to be signified as aforesaid, but that no person so appointed to succeed provisionally to any of the said offices shall be entitled to any authority, salary, or emolument appertaining thereto until he shall be in the actual possession of such office. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 27, and 53 Geo. 3, cap. 155, sec. 80.]

In case of vacancy in the office of Governor-general, and no successor upon the spot, the ordinary member of Council next in rank to act as Governor-general.

LXII. And be it enacted, that if any vacancy shall happen in the office of Governor-general of India when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case the ordinary member of Council next in rank to the said Governor-general shall hold and execute the said office of Governor-general of India and Governor of the presidency of Fort William in Bengal until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor-general shall, during the time of his continuing to act as such, have and exercise all

the rights and powers of Governor-general of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-general foregoing his salary and allowance of a member of Council for the same period. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 29 and 30.]

In case of a vacancy in the office of governor of any of the subordinate presidencies, and no provisional or other successor on the spot.

LXIII. And be it enacted, that if any vacancy shall happen in the office of Governor of Fort St. George, Bombay, or Agra when no provisional or other successor shall be upon the spot to supply such vacancy, then and in every such case, if there shall be a Council in the presidency in which such vacancy shall happen, the member of such Council, who shall be next in rank to the governor, other than the commander-in-chief or officer commanding the forces of such presideney, and if there shall be no Council, then the secretary of Government of the said presidency who shall be senior in the said office of secretary, shall hold and execute the said office of governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting governor foregoing all salaries and allowances by him held and enjoyed at the time of his being called to supply such office. (1)

(1) [*Vide* note on sec. 62.]

In case of a vacancy in the office of a member of Council when no provisional or other successor on the spot.

LXIV. And be it enacted, that if any vacancy shall happen in the office of an ordinary member of Council of India when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor-general in Council; and if any vacancy shall happen in the office of a member of Council of any Presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the presidency in which such vacancy shall happen; and until a successor shall arrive the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office: provided always, that no person shall be appointed a temporary member of Council who might not have been appointed by the said Court of Directors to fill the vacancy supplied by such temporary appointment. (1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 31.]

The Governor-general in Council to have the control over the presidencies.

LXV. And be it further enacted, that the said Governor-general in Council shall have and be invested by virtue of this Act with full power and authority to superintend and control the Governors and Governors in Council of Fort William in Bengal, Fort Saint George, Bombay, and Agra, in all points relating to the civil or military administration of the said presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor-general in Council in all cases whatsoever.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 40, 41, 43 & 44.]

LXVI. And be it enacted, that it shall and may be lawful for the Governors or Governors in Council of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively, to propose to the said Governor-general in Council drafts or projects of any laws or regulations which the said Governors or Governors in Council respectively may think expedient, together with their reasons for proposing the same; and the said Governor-general in Council is hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor-general in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Drafts of laws proposed by governors to be taken into consideration by Governor-general in council.

LXVII. And be it enacted, that when the said Governor-general shall visit any of the presidencies of Fort Saint George, Bombay, or Agra, the powers of the Governors of those presidencies respectively shall not by reason of such visit be suspended.

Powers of governors of presidencies not to be suspended.

LXVIII. And be it enacted, that the said Governors and Governors in Council of the said presidencies of Fort William in Bengal, Fort Saint George, Bombay, and Agra respectively shall and they are hereby respectively required regularly to transmit to the said Governor-general in Council true and exact copies of all such orders and acts of their respective governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said Governor-general in Council as aforesaid, or as the said Governor-general in Council shall from time to time require.

Communications to be transmitted by governors to Governor-general in Council.

LXIX. And be it enacted, that it shall be lawful for the said Governor-general in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of India as he may think fit to be deputy governor of the said presidency of Fort William in Bengal, and such deputy governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of Fort William in Bengal, but shall receive no additional salary by reason of such appointment.

The Governor-general in Council may appoint a deputy governor of Bengal as exigencies may require.

LXX. And be it enacted, that whenever the said Governor-general in Council shall declare that it is expedient that the said Governor-general should visit any part of India unaccompanied by any member or members of the Council of India, it shall be lawful for the said Governor-general in Council, previously to the departure of the said Governor-general, to nominate some member of the Council of India to be president of the said Council, in whom during the absence of the said Governor-general from the said presidency of Fort William in Bengal, the powers of the said Governor-general in assemblies of the said Council shall be reposed;(1) and it shall be lawful in every such case for the said Governor-general in Council, by a law or regulation for that purpose to be made, to authorize the Governor-general alone to exercise all or any of the powers which might be exercised by the said Governor-general in Council, except the power of making laws or regulations: provided always, that during the absence of the Governor-general no law or regulation shall be made by the said president and Council without the assent in writing of the said Governor-general.

Provision in case the Governor-general in Council shall declare it expedient for the Governor-general to visit any part of India without his Council.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 53. *Vide* also Act of Government of India, No. 26 of 1837 in Appendix.]

The new presidency of Agra not to affect the succession to commands and offices in Bengal and Agra.

LXXI. And be it enacted, that there shall not, by reason of the division of the territories now subject to the government of the presidency of Fort William in Bengal into two presidencies as aforesaid, (1) be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two presidencies respectively, but that all the servants, civil and military, of the Bengal establishments and forces, shall and may succeed and be appointed to all commands and offices within either of the said presidencies respectively as if this Act had not been passed.

(1) [*Vide* note on sec. 38.]

Presidency of Fort William to be entire for the purposes of the Mutiny Act.

LXXII. And be it enacted, that for the purposes of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage," and of any Articles of War made or to be made under the same, the presidency of Fort William in Bengal shall be taken and deemed to comprise under and within it all the territories which by or in virtue of this Act shall be divided between the presidencies of Fort William in Bengal and Agra respectively, and shall for all the purposes aforesaid be taken to be the presidency of Fort William in Bengal in the said Act mentioned.

Articles of War to be made by Governor-general in Council.

LXXIII. And be it enacted, that it shall be lawful for the said Governor-general in Council from time to time to make Articles of War for the government of the native officers and soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such Articles of War from time to time to repeal or vary and amend; and such Articles of War shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor-general in Council under this Act, and shall prevail and be in force, and shall be of exclusive authority over all the native officers and soldiers in the said military service, to whatever presidency such officers and soldiers may belong, or wheresoever they may be serving: provided nevertheless, that until such Articles of War shall be made by the said Governor-general in Council any Articles of War for or relating to the government of the Company's native forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said territories, shall remain in force.

His Majesty may remove any officer of the Company in India.

LXXIV. And be it enacted, that it shall be lawful for his Majesty, by any writing under his sign manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any office, employment, or commission, civil or military, under the said Company in India, and to vacate any appointment or commission of any person to any such office or employment; provided that a copy of every such writing, attested by the said President, shall within eight days after the same shall be signed by his Majesty be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 35.]

The power of the Directors to remove their servants preserved.

LXXV. Provided always, and be it enacted, that nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the officers or servants of the said Company, but that the said Court shall and may at all times have full

liberty to remove or dismiss any of such officers or servants at their will and pleasure; provided that any servant of the said Company appointed by his Majesty through the default of appointment by the said Court of Directors shall not be dismissed or removed without his Majesty's approbation, as herein-before is mentioned.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 36, and 53 Geo. 3, cap. 155, sec. 80.]

Salaries of Governor-general, &c. fixed; to be in lieu of all fees, &c.

LXXVI. And be it enacted, that there shall be paid to the several officers herein-after named the several salaries set against the names of such officers, subject to such reduction of the said several salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; (that is to say,)

To the Governor-general of India, two hundred and forty thousand sicca rupees:
To each ordinary member of the Council of India, ninety-six thousand sicca rupees:
To each Governor of the Presidencies of Fort St. George, Bombay, and Agra, one hundred and twenty thousand sicca rupees:
To each member of any Council to be appointed in any presidency, sixty thousand sicca rupees:

And the salaries of the said officers respectively shall commence from their respectively taking upon them the execution of their respective offices, and the said salaries shall be the whole profit or advantage which the said officers shall enjoy during their continuance in such offices respectively; and it shall be and it is hereby declared to be a misdemeanor for any such officer to accept for his own use, in the discharge of his office, any present, gift, donation, gratuity, or reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own benefit or for the benefit of any other person or persons whatsoever,(1) and the said Court of Directors are hereby required to pay to all and singular the officers and persons herein-after named who shall be resident in the United Kingdom at the time of their respective appointments, for the purpose of defraying the expences of their equipment and voyage, such sums of money as are set against the names of such officers and persons respectively;(2) (that is to say,)

Acceptance of gratuities a misdemeanor.

Passage money fixed.

To the Governor-general, five thousand pounds:
To each member of the Council of India, one thousand two hundred pounds:
To each Governor of the Presidencies of Fort St. George, Bombay, and Agra, two thousand five hundred pounds:

Provided also, that any Governor-general, Governor, or Member of Council appointed by or by virtue of this Act, who shall at the time of passing this Act hold the office of Governor-general, Governor, or Member of Council respectively, shall receive the same salary and allowances that he would have received if this Act had not been passed.

(1) [*Vide* 33 Geo. 3, cap. 52, secs. 62, 63, and 137.]

(2) [*Vide* 53 Geo. 3, cap. 155, sec. 89, as to passage money to various officers.]

Governor-general and governors to forego pensions and other salaries from the Crown

LXXVII. Provided always, and be it enacted, that if any Governor-general, Governor, or ordinary Member of the Council of India, or any Member of the Council of any Presidency, shall hold or enjoy any pension, salary, or any place, office, or employment of profit

or Company while they hold office.

under the Crown or any public office of the said Company, or any annuity payable out of the civil or military fund of the said Company, the salary of his office of Governor-general of India, Governor or Member of Council, shall be reduced by the amount of the pension, salary, annuity, or profits of office so respectively held or enjoyed by him.

Directors to make regulations for the distribution of patronage in India.

LXXVIII. And be it enacted, that the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the offices, commands, and employments in the said territories, and in all or any of the Presidencies thereof, among the said Governor-general in Council, Governor-general, Governors in Council, Governors, Commander-in-chief, and other commanding officers respectively appointed or to be appointed under this Act.(1)

(1) [*Vide* 53 Geo. 3, cap. 155, sec. 81.]

Departure of Governor-general, &c. for Europe, to be a resignation.

LXXIX. And be it enacted, that the return to Europe or the departure from India with intent to return to Europe of any Governor-general of India, Governor, Member of Council, or Commander-in-chief, shall be deemed in law a resignation and avoidance of his office or employment, and that no act or declaration of any Governor-general, or Governor, or Member of Council, other than as aforesaid, excepting a declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said office; and that the salary and other allowances of any such Governor-general or other officer respectively shall cease from the day of such his departure, resignation, or surrender; and that if any such Governor-general or Member of Council of India shall leave the said territories, or if any governor or other officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use; and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories, or the presidency to which he may have belonged; provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants who, having left their stations intending to return thereto, shall die during their absence.(1)

Resignation in India to be by deed.

Salary to cease on departure or resignation.

As to representatives of officers dying during absence.

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 37, and 7 Geo. 4, cap. 56, sec. 3.]

Disobedience of orders and breach of trust by officers or servants of the Company in India, misdemeanors.

LXXX. And be it enacted, that every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor-general of India, governor, member of Council, or commander-in-chief, or by any other of the officers or servants of the said Company, unless in cases of necessity (the burthen of the proof of which necessity shall be on the person so disobeying or omitting, forbearing or neglecting, to execute such orders or instructions as aforesaid); and every wilful breach of the trust and duty of any office or employment by any such Governor-general, governor, member of Council, or commander-in-chief, or any of the officers or servants of

the said Company, shall be deemed and taken to be a misdemeanor at law, and shall or may be proceeded against and punished as such by virtue of this Act.(1)

(1) [*Vide* 33 Geo. 3, cap. 52, sec. 65.]

Authority for his Majesty's subjects to reside in certain parts of India without licence.

LXXXI. And be it enacted, that it shall be lawful for any natural-born subjects of his Majesty to proceed by sea to any port or place having a Custom-house establishment within the said territories, and to reside thereat, or to proceed to and reside in or pass through any part of such of the said territories as were under the government of the said Company on the first day of January one thousand eight hundred, and in any part of the countries ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca, without any licence whatever; provided that all subjects of his Majesty not natives of the said territories shall, on their arrival in any part of the said territories from any port or place not within the said territories, make known in writing their names, places of destination, and objects of pursuit in India, to the chief officer of the Customs, or other officer authorized for that purpose, at such port or place as aforesaid.

Subjects of his Majesty not to reside in certain parts of India without licence.

LXXXII. Provided always, and be it enacted, that it shall not be lawful for any subject of his Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said territories as are not herein-before in that behalf mentioned, without licence from the said Board of Commissioners, or the said Court of Directors, or the said Governor-general in Council, or a Governor or Governor in Council of any of the said presidencies for that purpose first obtained: provided always, that no licence given to any natural-born subject of his Majesty to reside in parts of the territories not open to all such subjects shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such licence contained.

The Governor-general in Council, with previous consent of Directors, may declare other places open.

LXXXIII. Provided always, and be it enacted, that it shall be lawful for the said Governor-general in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said territories open to all his Majesty's natural-born subjects, and it shall be thenceforth lawful for any of his Majesty's natural-born subjects to proceed to, or reside in, or pass through any place or places declared open without any licence whatever.

Laws against illicit residence to be made.

LXXXIV. And be it enacted, that the said Governor-general in Council shall, and he is hereby required, as soon as conveniently may be, to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein.

Laws and regulations to be made for protection of natives.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories, will render it necessary to provide against any mischiefs or dangers that may arise therefrom, be it therefore enacted, that the said Governor-general in Council shall, and he is hereby required, by laws or regulations, to provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions, or opinions.

Lands within the Indian territories may be purchased.

LXXXVI. And be it enacted, that it shall be lawful for any natural-born subject of his Majesty authorized to reside in the said territories to acquire and hold lands, or any right,

interest, or profit in or out of lands, for any term of years, in such part or parts of the said territories, as he shall be so authorized to reside in: provided always, that nothing herein contained shall be taken to prevent the said Governor-general in Council from enabling, by any laws or regulations, or otherwise, any subjects of his Majesty to acquire or hold any lands, or rights, interests, or profits in or out of lands, in any part of the said territories, and for any estates or terms whatever.(1)

(1) [See Act of Government of India, No. 4 of 1837 in Appendix.]

No disabilities in respect of religion, colour, or place of birth.

LXXXVII. And be it enacted, that no native of the said territories, nor any natural-born subject of his Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment, under the said Company.

Slavery to be mitigated, and abolished as soon as practicable.

LXXXVIII. And be it further enacted, that the said Governor-general in Council shall and he is hereby required forthwith to take into consideration the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and of extinguishing slavery throughout the said territories so soon as such extinction shall be practicable and safe, and from time to time to prepare and transmit to the said Court of Directors drafts of laws or regulations for the purposes aforesaid, and that in preparing such drafts due regard shall be had to the laws of marriage and the rights and authorities of fathers and heads of families, and that such drafts shall forthwith after receipt thereof be taken into consideration by the said Court of Directors, who shall, with all convenient speed, communicate to the said Governor-general in Council, their instructions on the drafts of the said laws and regulations, but no such laws and regulations shall be promulgated or put in force without the previous consent of the said Court; and the said Court shall, within fourteen days after the first meeting of Parliament in every year, lay before both Houses of Parliament a report of the drafts of such rules and regulations as shall have been received by them, and of their resolutions or proceedings thereon.

Respecting the inconvenient extent of the diocese of Calcutta.

LXXXIX. And whereas the present diocese of the bishopric of Calcutta is of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the bishop of the said diocese, and for that purpose to make provision for assigning new limits to the diocese of the said bishop, and for founding and constituting two separate and distinct bishoprics, but nevertheless the bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his successors, as their metropolitan; be it therefore enacted,

If the King erects bishoprics of Madras and Bombay, certain salaries to be paid to the Bishops.

that in case it shall please his Majesty to erect, found and constitute two bishoprics, one to be styled the Bishopric of Madras and the other the Bishopric of Bombay, and from time to time to nominate and appoint bishops to such bishoprics under the style and title of Bishops of Madras and Bombay respectively, there shall be paid from and out of the revenues of the said territories to such bishops respectively the sum of twenty-four thousand sicca rupees by the year.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

XC. And be it enacted, that the said salaries shall commence from the time at which such persons as shall be appointed to the said office of bishop shall take upon them the execution of their respective offices; and that such salaries shall be in lieu of all fees of office, perquisites, emoluments, or advantages whatsoever; and that no fees of office, perquisites, emoluments, or advantages whatsoever shall be accepted, received, or taken by such bishop or either of them,

in any manner or on any account or pretence whatsoever, other than the salaries aforesaid; and that such bishops respectively shall be entitled to such salaries so long as they shall respectively exercise the functions of their several offices in the British territories aforesaid.

Passage money for each such Bishop.

XCI. And be it enacted, that the said Court of Directors shall and they are required to pay to the bishops so from time to time to be appointed to the said bishoprics of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

As to jurisdiction of such Bishops.

XCII. Provided always, and be it enacted, that such bishops shall not have or use any jurisdiction, or exercise any episcopal functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty by his royal letters patent under the great seal of the said United Kingdom.

The King empowered by letters patent to limit jurisdiction and functions.

XCIII. And be it enacted, that it shall and may be lawful for his Majesty from time to time, if he shall think fit, by his royal letters patent under the great seal of the said United Kingdom, to assign limits to the diocese of the bishopric of Calcutta and to the dioceses of the said bishoprics of Madras and Bombay respectively, and from time to time to alter and vary the same limits respectively, as to his Majesty shall seem fit, and to grant to such bishops respectively within the limits of their respective dioceses the exercise of episcopal functions, and of such ecclesiastical jurisdiction as his Majesty shall think necessary for the superintendence and good government of the ministers of the United Church of England and Ireland therein.

The Bishop of Calcutta to be Metropolitan in India.

XCIV. Provided always, and be it enacted, that the Bishop of Calcutta for the time being shall be deemed and taken to be the Metropolitan Bishop in India, and as such shall have, enjoy, and exercise all such ecclesiastical jurisdiction and episcopal functions, for the purposes aforesaid, as his Majesty shall by his royal letters patent under the great seal of the said United Kingdom think necessary to direct, subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being; and that the Bishops of Madras and Bombay for the time being respectively shall be subject to the Bishop of Calcutta for the time being as such Metropolitan, and shall at the time of their respective appointments to such bishoprics, or at the time of their respective consecrations as bishop, take an oath of obedience to the said Bishop of Calcutta in such manner as his Majesty by his said royal letters patent shall be pleased to direct.

Warrants for bills on letters patent appointing Bishops to be countersigned by the president.

XCV. And be it enacted, that when and as often as it shall please his Majesty to issue any letters patent respecting the bishopric of Calcutta, Madras, or Bombay, or for the nomination or appointment of any person thereto respectively, the warrant for the bill in every such case shall be countersigned by the President of the Board of Commissioners for the affairs of India, and by no other person.

The King may grant certain pensions to Bishops of Madras or Bombay.

XCVI. And be it enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his royal sign manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of Madras or Bombay respectively who shall have exercised in the British territories aforesaid for fifteen years the office of

such bishop a pension not exceeding eight hundred pounds per annum, to be paid quarterly by the said Company.

Respecting salary of a Bishop of Madras or Bombay dying within six months after arrival;

XCVII. And be it enacted, that in all cases when it shall happen the said person nominated and appointed to be bishop of either of the said bishoprics of Madras or Bombay shall depart this life within six calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such bishop, there shall be payable out of the territorial revenues from which the salary of such bishop so dying shall be payable, to the legal personal representatives of such bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such bishop in respect of his salary, make up the full amount of one year's salary; and when and so often as it shall happen that any such bishop shall depart this life while in possession of such office, and after the expiration of six calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable, out of the territorial revenues from which the salary of the said bishop so dying shall be payable, to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such bishop for six calendar months.

or after six months holding office in India.

As to residence of Bishop of Madras or Bombay if translated to Calcutta.

XCVIII. And be it enacted, that if it shall happen that either of the Bishops of Madras or Bombay shall be translated to the bishopric of Calcutta, the period of residence of such person as Bishop of Madras or Bombay shall be accounted for and taken as a residence as Bishop of Calcutta; and if any person now an archdeacon in the said territories shall be appointed Bishop of Madras or Bombay, the period of his residence in India as such archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such bishop.

As to consecration of any person under the degree of a bishop, if resident in India, appointed to a bishopric.

XCIX. Provided also, and be it enacted, that if any person under the degree of a bishop shall be appointed to either of the bishoprics of Calcutta, Madras or Bombay, who at the time of such appointment shall be resident in India, then and in such case it shall and may be lawful for the Archbishop of Canterbury, when and as he shall be required so to do by his Majesty by his royal letters patent under the great seal of the said United Kingdom, to issue a commission under his hand and seal, to be directed to the two remaining bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a bishop.

Provision for expenses of visitations.

C. And be it enacted, that the expenses of visitations to be made from time to time by the said Bishops of Madras and Bombay respectively shall be paid by the said Company out of the revenues of the said territories; provided that no greater sum on account of such visitations be at any time issued than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the affairs of India.

No Archdeacon in India to have a salary exceeding 3,000 sicca rupees.

CI. And be it enacted, that no archdeacon hereafter to be appointed for the archdeaconry of the presidency of Fort William in Bengal, or the archdeaconry of the presidency of Fort Saint George, or the archdeaconry of the presidency and island of Bombay, shall receive in respect of his archdeaconry any salary exceeding three thousand sicca rupees per annum: provided always, that the whole expence incurred in respect of the said bishops and archdeacons shall not exceed one hundred and twenty thousand sicca rupees per annum.

CII. And be it enacted, that of the establishment of chaplains maintained by the said Company at each of the presidencies of the said territories, two chaplains shall always be ministers of the Church of Scotland, and shall have and enjoy from the said Company such salary as shall from time to time be allotted to the military chaplains at the several presidencies: provided always, that the ministers of the Church of Scotland to be appointed chaplains at the said presidencies as aforesaid shall be ordained and inducted by the presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the presbytery of Edinburgh, whose judgments shall be subject to dissent, protest, and appeal to the provincial synod of Lothian and Tweedale, and to the general assembly of the Church of Scotland: provided always, that nothing herein contained shall be so construed as to prevent the Governor-general in Council from granting from time to time, with the sanction of the Court of Directors and of the Commissioners for the affairs of India, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

Two chaplains of the church of Scotland to be on the establishment of each Presidency.

Section 103 provided for the transmission of a prospective estimate of the number of persons who in the opinion of the Governor-general in Council would be necessary to supply the expected vacancies in the civil establishments of the respective governments of India in a subsequent year, to be fixed by rules to be framed by the Board of Commissioners; which estimate it was declared lawful for the Board to reduce. The Board were thereupon to certify to the Court of Directors what number of students should be admitted to the College at Haileybury in the then current year; four candidates between the ages of seventeen and twenty were to be nominated, and one student admitted for every expected vacancy, according to the estimate or reduced estimate; the right of nominating candidates to be in the Court of Directors. In case of the certified number not being nominated within a month of the receipt of the certificate, the Board might supply the deficiency. Section 104 provided for supplying vacancies in the number of students caused by death, expulsion, or resignation. For each vacancy one was to be added to the number of students, and four to the number of candidates in the following year. Section 105 directed that the candidates should be examined and classed, and the candidates whose names should stand highest in the lists be admitted to the College, till the number of students for the year was supplied. Section 106 required the Board to frame rules for the government of the College and the examinations and qualifications of candidates and

students, which rules were to be revised and approved by the King in Council. Section 107 regulated the mode of examining the students after residence at the College, with a view to their entering the service, and laid down rules for determining seniority and choice of Presidency. But the 7 Wm. 4, and 1 Vic. cap. 70, authorized the suspension of the fourfold system of nomination, and it has accordingly been suspended. The same Act provided, in case of this suspension of the fourfold system, for the examination of candidates. The 1 & 2 Vic. cap. 22, empowered the Board of Commissioners, whether that system should be suspended or not, to make such rules for the College as might in their judgment appear best adapted to secure the appropriate education of young men for the civil service of the East-India Company; such rules to be submitted to her Majesty (after at least twenty-one days' notice to the Court of Directors), and to take effect on receiving the approbation of the Crown, to be signified by an Order in Council.

Sanction of appointment of professors.

CVIII. And be it enacted, that no appointment of any professor or teacher at the said College shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

All powers of Court of Directors to be subject to the control of the Board, except patronage.

CIX. And be it enacted, that every power, authority, and function by this or any other Act or Acts given to and vested in the said Court of Directors shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions inconsistent with such construction, and except as to any patronage or right of appointing to office vested in or reserved to the said Court. (1)

(1) [For various enactments relating to the controlling powers of the Board, see 33 Geo. 3, cap. 52, sec. 9, 10, 11, 12, 13, 15, 19, 68, 70, and 125; 37 Geo. 3, cap. 117, sec. 2; 39 & 40 Geo. 3, cap. 79, sec. 1; 47 Geo. 3, cap. 68, sec. 8; 51 Geo. 3, cap. 75, sec. 5; 53 Geo. 3, cap. 155, sec. 25, 42, 43, 44, 78, 81, 83, 87, and 88; 55 Geo. 3, cap. 64, and 55 Geo. 3, cap. 84, sec. 1. The sections of this Act referring more particularly to the subject are, 25, 28, 29, 30, 31, 32, 33, 34, 36, 37, 44, 47, 57, 78, 103, 104, 108, and 110. For later enactments, see 5 & 6 Wm. 4, cap. 52; 1 Vic. cap. 47, sec. 2 and 3; 1 Vic. cap. 70, sec. 1 and 2; and 1 & 2 Vic. cap. 22, sec. 1.]

Board of Control prohibited from directing the grant of allowances.

CX. Provided always, and be it enacted, that nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions ordering or

authorizing the payment of any extraordinary allowance or gratuity, or the increase of any established salary, allowance, or emolument, unless in the cases and subject to the provisions in and subject to which such directions may now be given by the said Board, or to increase the sum now payable by the said Company on account of the said Board, except only by such salaries or allowances as shall be payable to the officers to be appointed as herein-before is mentioned to attend upon the said Board during the winding up of the commercial business of the said Company. (1)

(1) [*Vide* 28 Geo. 3, cap. 8, sec. 3 and 4; and 33 Geo. 3, cap. 52, sec. 17 and 18.]

The Company to be called the East-India Company.

CXI. And be it enacted, that whenever in this Act, or in any Act hereafter to be passed, the term East-India Company is or shall be used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies, and that the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the passing of this Act, be called by the name of the East-India Company.

St. Helena vested in the Crown.

CXII. And be it enacted, that the island of Saint Helena, and all forts, factories, public edifices, and hereditaments whatsoever in the said island, and all stores and property thereon fit or used for the service of the government thereof, shall be vested in his Majesty, his heirs and successors, and the said island shall be governed by such orders as his Majesty in Council shall from time to time issue in that behalf.

Servants of the Company in China and St. Helena to be eligible to offices in any presidency.

CXIII. And be it further enacted, that every supercargo and other civil servant of the said Company, now employed by the said Company in the factory at Canton or in the island of Saint Helena, shall be capable of taking and holding any office in any presidency or establishment of the said territories which he would have been capable of taking and holding if he had been a civil servant in such presidency or on such establishment during the same time as he shall have been in the service of the said Company.

Repeal of enactments for keeping a stock of tea.

CXIV. And be it enacted, that from and after the passing of this Act all enactments and provisions directing the said Company to provide for keeping a stock of tea shall be repealed.

King's Courts authorized to admit advocates and attornies without the Company's licence.

CXV. And be it enacted, that it shall be lawful for any Court of justice established by his Majesty's Charters in the said territories to approve, admit, and enrol persons as barristers, advocates, and attorneys in such Court without any licence from the said Company, any thing in any such Charter contained to the contrary notwithstanding: provided always, that the being entitled to practise as an advocate in the principal Courts of Scotland is and shall be deemed and taken to be a qualification for admission as an advocate in any Court in India equal to that of having been called to the bar in England or Ireland.

Accounts to be annually laid before Parliament.

CXVI. And be it further enacted, that the Court of Directors of the said Company shall, within the first fourteen sitting days next after the first day of May in every year, lay before both Houses of Parliament an account, made up according to the latest advices which shall have been received, of the annual produce of the revenues of the said territories in India, distinguishing the same and the respective heads thereof at each of their several presidencies or settlements, and of all their annual receipts and disbursements at home and abroad, distin-

guishing the same under the respective heads thereof, together with the latest estimate of the same, and also the amount of their debts, with the rates of interest they respectively carry, and the annual amount of such interest, the state of their effects and credits at each presidency or settlement, and in England or elsewhere, according to the latest advices which shall have been received thereof, and also a list of their several establishments, and the salaries and allowances payable by the said Court of Directors in respect thereof: and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare forms of the said accounts and estimates in such manner as to exhibit a complete and accurate view of the financial affairs of the said Company; and if any new or increased salaries, establishments, or pensions shall have been granted or created within any year, the particulars thereof shall be specially stated and explained at the foot of the account of the said year.

Commencement of Act.

CXVII. And be it enacted, that this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor general of India, governors, members of Council, or other officers, under the provisions herein contained, and so far as herein-before in that behalf mentioned, and as to all other matters and things, from and after the twenty-second day of April next.

---

## 3 & 4 GULIELMI IV. Cap. XCIII.

### An Act *to regulate the Trade to China and India.*

[28*th August* 1833.]

Whereas the exclusive right of trading with the dominions of the Emperor of China, and of trading in tea, now enjoyed by the United Company of Merchants of England trading to the East-Indies, will cease from and after the twenty-second day of April one thousand eight hundred and thirty-four: and whereas it is expedient that the trade with China, and the trade in tea, should be open to all his Majesty's subjects, and that the restrictions imposed on the trade of his Majesty's subjects with places beyond the Cape of Good Hope to the Straits of Magellan, for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, should be removed: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lord's spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the said twenty-second day of April one thousand eight hundred and thirty-four an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India," shall be repealed, except such parts thereof as relate to Asiatic sailors, Lascars, being natives of the territories under the government of the East-India Company, but so as not to revive any Acts or parts of Acts by the said Act repealed; and except also as to such voyages and adventures as shall have been actually commenced under the authority of the said Act; and

Repeal of the Act 4 G. 4, c. 80, except as herein mentioned.

except as to any suits and proceedings which may have been commenced, and shall be depending on the said twenty-second day of April one thousand eight hundred and thirty-four; and from and after the said twenty-second day of April one thousand eight hundred and thirty-four the enactments herein-after contained shall come into operation.

Repeal of prohibitions upon the importation of tea and goods from China, imposed by 6 G. 4, c. 107, and 6 G. 4, c. 114.

II. And be it further enacted, that so much of an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled, "An Act for the general Regulation of the Customs," as prohibits the importation of tea, unless from the place of its growth, and by the East-India Company, and into the port of London; and also so much of the said Act as prohibits the importation into the United Kingdom of goods from China, unless by the East-India Company, and into the port of London; and also so much of the said Act as requires that the manifests of ships departing from places in China shall be authenticated by the chief supercargo of the East-India Company; and also that so much of another Act passed in the said sixth year of the reign of his said late Majesty King George the Fourth, intituled, "An Act to regulate the Trade of the British Possessions Abroad," as prohibits the importation of tea into any of the British possessions in America, and into the island of Mauritius, except from the United Kingdom, or from some other British possessions in America, and unless by the East-India Company or with their license, shall be, from and after the twenty-second day of April one thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any provision, enactment, matter, or thing made for the purpose of protecting the exclusive rights of trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained,) it shall be lawful for any of his Majesty's subjects to carry on trade with any countries beyond the Cape of Good Hope to the Straits of Magellan.

All British subjects may carry on trade beyond the Cape of Good Hope to the Straits of Magellan.

List of persons on board any ship arriving in India to be delivered to officers of Customs.

III. Provided always, and be it enacted, that the person having the command of any ship or vessel arriving at any place in the possession of or under the government of the said Company shall make out, sign, and deliver to the principal officer of the Customs, or other person thereunto lawfully authorized, a true and perfect list, specifying the names, capacities, and description of all persons who shall have been on board such ship or vessel at the time of its arrival; and if any person having the command of such ship or vessel shall not make out, sign, and deliver such list, he shall forfeit one hundred pounds, one half part of which penalty shall belong to such person or persons as shall inform or sue for the same, and the other half part to the said Company; and if the said Company shall inform or sue for the same, then the whole of the said penalty shall belong to the said Company.

Penalty for neglect, 100*l.*

Penalties how recoverable.

IV. And be it enacted, that the penalty or forfeiture aforesaid shall be recoverable by action of debt, bill, plaint, or information in any of his Majesty's Courts of Record in the United Kingdom of Great Britain and Ireland, and in India or elsewhere, or in any Courts in India to which jurisdiction may hereafter be given by the Governor-general of India in Council in that behalf, to be commenced in the county, presidency, colony, or settlement where the offender may happen to be; or by conviction in a summary way before two justices of the peace in the United Kingdom, or in India, of the county or presidency where such offender may happen to be; and upon such conviction the penalty or forfeiture aforesaid shall and may be levied by distress and sale of the goods and chattels of the offender; and for want of such sufficient distress every such offender may be committed to the common gaol or House of Correction for the space of three calendar months.

Three superintendents of the China trade to be appointed.

V. And whereas it is expedient for the objects of trade and amicable intercourse with the dominions of the Emperor of China that provision be made for the establishment of a British authority in the said dominions; be it therefore enacted, that it shall and may be lawful for his Majesty, by any commission or commissions or warrant or warrants under his royal sign manual, to appoint not exceeding three of his Majesty's subjects to be superintendents of the trade of his Majesty's subjects to and from the said dominions, for the purpose of protecting and promoting such trade, and by any such commission or warrant as aforesaid to settle such gradation and subordination among the said superintendents (one of whom shall be styled the chief superintendent), and to appoint such officers to assist them in the execution of their duties, and to grant such salaries to such superintendents and officers, as his Majesty shall from time to time deem expedient.

His Majesty in Council may issue orders and commissions to have force in China;

and issue regulations touching the trade;

and create a Court of justice for trial of offences in that part.

VI. And be it enacted, that it shall and may be lawful for his Majesty, by any such order or orders, commission or commissions, as to his Majesty in Council shall appear expedient and salutary, to give to the said superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty's subjects within any part of the said dominions; and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty's subjects within the said dominions; and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified; and to create a Court of justice with criminal and Admiralty jurisdiction for the trial of offences committed by his Majesty's subjects within the said dominions, and the ports and havens thereof, and on the high seas within one hundred miles of the coast of China; and to appoint one of the superintendents herein-before mentioned to be the officer to hold such Court, and other officers for executing the process thereof; and to grant such salaries to such officers as to his Majesty in Council shall appear reasonable.

Superintendents, &c. not to accept gifts, or to trade.

VII. And be it enacted, that no superintendent or commissioner appointed under the authority of this Act shall accept for or in discharge of his duties any gift, donation, gratuity, or reward, other than the salary which may be granted to him as aforesaid, or be engaged in any trade or traffic for his own benefit, or for the benefit of any other person or persons.

A tonnage duty to be imposed, to be appropriated towards defraying the expence of establishments in China.

VIII. And be it enacted, that it shall be lawful for his Majesty, by and with the advice of his Privy Council, by any order or orders to be issued from time to time, to impose, and to empower such persons as his Majesty in Council shall think fit to collect and levy from or on account of any ship or vessel belonging to any of the subjects of his Majesty entering any port or place where the said superintendents or any of them shall be stationed, such duty on tonnage and goods as shall from time to time be specified in such order or orders not exceeding in respect of tonnage the sum of five shillings for every ton, and not exceeding in respect of goods the sum of ten shillings for every one hundred pounds of the value of the same, the fund arising from the collection of which duties shall be appropriated in such manner as his Majesty in Council shall direct, towards defraying the expenses of the establishments by this Act authorized within the said dominions: provided always, that every Order in Council issued by authority of this Act shall be published in the *London Gazette*; and that every such Order in Council, and the amount of expense incurred, and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

IX. And be it enacted, that if any suit or action shall be brought against any person or persons for anything done in pursuance of this Act, then and in every such case such action or suit shall be commenced or prosecuted within six months after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of his Majesty's Courts having civil jurisdiction, and then within six months after the plaintiff or plaintiffs, and defendant or defendants, shall have been withint he jurisdiction of any such Court; and the same and every such action or suit shall be brought in the county or place where the cause of action shall have arisen, and not elsewhere, except where the cause of action shall have arisen in any place not within the jurisdiction of any of his Majesty's Courts having civil jurisdiction; and the defendant or defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the plaintiff or plaintiffs, or their agent or attorney, as is provided in actions brought against any justice of the peace for acts done in the execution of his office by an Act passed in the twenty-fourth year of the reign of King George the Second, intituled, "An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants;" and the defendant or defendants in every such action or suit may plead the general issue, and give the special matter in evidence; and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in as aforesaid, then the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue any action after the defendant or defendants shall have appeared, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be taken against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof as any defendant or defendants hath or have in any cases of law.

Limitation of actions.

24 G. 2, c. 44.

General issue.

If action brought after time limited, &c.

Treble costs.

---

## 3 & 4 GULIELMI IV. Cap. CI.

AN ACT *to provide for the Collection and Management of the Duties on Tea.*
[29*th August* 1833.]

Whereas the exclusive right of trading in tea now enjoyed by the United Company of Merchants of England trading to the East-Indies will on the twenty-second day of April one thousand eight hundred and thirty-four terminate, and it is therefore necessary to make further provisions for the regulation of the trade in tea and the duties payable thereon, and to transfer the management of the said duties from the Commissioners of Excise to the Com-

missioners of Customs; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the twenty-second day of April one thousand eight hundred and thirty-four, it shall be lawful to import any tea into the United Kingdom from the Cape of Good Hope, and from places eastward of the same to the Straits of Magellan, and not from any other place, in such and the like manner as if the same were set forth in an Act passed in the present session of Parliament for the general regulation of the Customs.

Tea importable into the United Kingdom from the Cape of Good Hope and places eastward thereof.

Tea importable into British possessions, &c. from Cape of Good Hope &c.

II. And be it further enacted, that it shall be lawful to import any tea into any of the islands of Guernsey, Jersey, Alderney, or Sark, or into the British possessions of America, from the Cape of Good Hope and places eastward of the same to the Straits of Magellan, or from the United Kingdom, and not from any other place, in such and the like manner as if the same were set forth in an Act passed in the present session of Parliament to regulate the trade of the British possessions abroad.

The former part of the third section imposed different rates of duty upon tea of various descriptions, but by 5 and 6 Will. 4, cap. 32, all descriptions of tea are subjected to a duty of 2s. 1d. per lb. The third section concludes with the following proviso.

Not to affect tea sold before 22d April 1834.

Provided always, that nothing herein contained shall alter or affect the duties payable upon tea which shall have been sold by the East-India Company at their public sales prior to the said twenty-second day of April one thousand eight hundred and thirty-four: provided also

Allowance of draft.

that the allowance commonly called draft now made by the Commissioners of Excise in the weighing of tea shall be made by the Commissioners of Customs under the authority of this Act.

Abatement for sea damage not to be allowed.

IV. And be it further enacted, that no abatement of duty shall be made on account of damage received by any tea during the voyage; but it shall be lawful for the importer to separate the damaged parts, and to abandon the same to the Commissioners of the Customs for the duty.

The fifth section relates to the mixing or packing together of different sorts of teas, but by 5 and 6 Will. 4, above referred to, one rate of duty is imposed on all teas.

Importation of tea to be under management of Commissioners of Customs, but acts done by Excise to be legal.

VI. And be it further enacted, that from and after the passing of this Act it shall be lawful for the Lords Commissioners of his Majesty's Treasury, by any warrant under the hands of any three or more of them, to order and direct that the importation of tea and the duties thereon shall be under the management of the Commissioners of Customs, instead of the management of the Commissioners of Excise, and from and after the time specified in any such warrant the same shall be transferred accordingly: provided always, that until the

transfer of such management and of the custody of tea in warehouse shall have been fully made under the directions of the Lords Commissioners of his Majesty's Treasury, any act, matter, or thing done or performed by, to, or with the Commissioners of Excise or their officers shall have the same effect in law as if the same had been done or performed by, to, or with the Commissioners of the Customs or their officers under the authority of this Act; but nothing herein-before contained shall extend to alter or affect any law of excise relating to licenses for the sale of tea, or relating to permits for the removal of tea, or otherwise to the internal management of tea by the Commissioners of Excise, after the duties of importation on the same shall have been paid, and after the same has been delivered out of the charge of the officers of the Customs.

Licences to sell tea, and permits, not to be affected.

The seventh section relates to the means of protecting the revenue by permits or otherwise, on the removal of tea.

---

## 4 & 5 GULIELMI IV. Cap. XXIV.

AN ACT *to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances, to be made to Persons in respect of their having held Civil Offices in his Majesty's Service.* [25*th July* 1834.]

Whereas by an Act passed in the fifty-seventh year of the reign of his late Majesty King George the Third, to enable his Majesty to recompense the services of persons holding or who have held certain high and efficient civil offices, his Majesty is empowered to grant pensions as therein provided, to persons who shall have served his Majesty, his heirs or successors, in the offices therein mentioned: and whereas by an Act passed in the sixth year of the reign of his late Majesty King George the Fourth, for amending the said recited Act, it is enacted, that the several other offices therein particularly described shall be deemed to be comprised in the several classes of offices in the said recited Act respectively specified: and whereas it is expedient that the amount of the pensions by the said two Acts authorized to be granted should as to future pensions be reduced, and the conditions under which the same shall be granted be altered and regulated: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no pension to be granted to any person in respect of his having served in any one or more of the offices of First Lord of the Treasury, or of one of his Majesty's Principal Secretaries of State, or Chancellor of the Exchequer, or First Lord of the Admiralty, or President of the Board of Commissioners for the Affairs of India, or President of the Committee of Council appointed for the consideration of matters relating to Trade and Foreign Plantations, shall exceed the sum of two thousand pounds per annum: nor shall any such pension be granted to any person unless he shall have held one or more of the said offices for a period of not less than two years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than four such pensions hereafter to be granted be existing or in force at the same time.

57 G. 3, c. 65.

6 G. 4, c. 90.

Pensions to the First Lord of the Treasury, Secretaries of State, Chancellor of the Exchequer, First Lord of the Admiralty, President of the India Board, President of the Board of Trade;

Under Secretaries of State, Clerk of the Ordnance, second Secretary of Admiralty, Secretaries of India Board.

IV. And be it further enacted, that from and after the passing of this Act the pension, not exceeding one thousand pounds, authorized by the said recited Act to be granted to any person in respect of his having served in any one or more of the offices of one of the Under Secretaries of State, or Clerk of the Ordnance, or Second Secretary of the Admiralty, or one of the Secretaries of the Board of Commissioners for the Affairs of India, shall not be granted to any such person unless he shall have held one or more of the said offices for a period of not less than ten years in the whole, either uninterruptedly or at different times; nor shall any more or greater number than six such last-mentioned pensions be existing or in force at the same time.

Regulation as to period of service.

V. Provided always, and be it enacted, that in case it shall happen that any person shall have served his Majesty, his heirs or successors, in more than one class of offices herein-before specified, in respect whereof any pension less than two thousand pounds may be granted, it shall be lawful to grant, under the regulations aforesaid, to such person any pension annexed to the highest class of office in which such person may have been employed, whenever the whole period of the service of such person in the several offices in which he shall have been employed shall amount to ten years, although the period of the service of such person in such highest class shall not have extended to the period of five years; provided always, that such person shall have served in such highest class for the period of not less than three years; and in cases in which the service of any such person in any class of those offices shall not be sufficient to entitle him to the pension of that class, it shall be lawful to grant him a pension not exceeding one thousand pounds, provided the period of his aggregate services in that and any inferior class or classes or department of the public service shall amount to ten years; provided also, that there shall not be more than the aforesaid number of pensions to that amount existing at the same time.

Declaration to be made by persons claiming pensions.

VI. And whereas the principle of the regulations for granting allowances of this nature is and ought to be founded on a consideration, not only of the services performed by the individual to the state, but of the inadequacy of his private fortune to maintain his station in life; be it therefore enacted, that from and after the passing of this Act, whenever any person shall seek to obtain any one of the pensions before-mentioned, his application for that purpose shall be made in writing to the Commissioners of his Majesty's Treasury, to which he shall subscribe his name, and which shall contain, not only a statement of the services performed by him, and the grounds on which such pension is claimed, but a specific delaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of this Act and the principle herein-above declared; and without such declaration no pension as herein-before provided or authorized shall be granted.

Regulations with respect to pensions contained in recited Acts to apply to pensions under this Act.

VII. Provided always, and be it further enacted, that the several regulations with respect to the granting of any of the before-mentioned pensions, and to the receipt thereof by the persons to whom such grants may be made, which are contained in the said recited Acts of the fifty-seventh year of King George the Third and the sixth year of King George the Fourth, shall continue in full force and effect, and be applicable to pensions to be granted under the authority of this Act, except so far as any such regulations are altered or repealed by the enactments contained in this Act.

# 4 & 5 GULIELMI IV. Cap. LXXIX.

AN ACT *to amend the Law relating to Insolvent Debtors in India.*

[14*th August* 1834.]

Continued by 6 & 7 Wm. 4, cap. 47, until the end of the present session of Parliament, 1840.

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies until the first day of March one thousand eight hundred and thirty-three;" and by another Act passed in the second year of the reign of his present Majesty King William the Fourth, the said Act was continued in force until the first day of March one thousand eight hundred and thirty-six: and whereas, in and by the said Act to provide for the Relief of Insolvent Debtors in the East-Indies, certain provisions were enacted as to a commission of bankruptcy issuing against any such insolvent debtor as therein mentioned, and as to the proceedings consequent thereon; and amongst other things it was enacted, that a certificate obtained under such commission as therein provided should have the same force and effect in all places situate without the limits of the East-India Company's Charter as if the same had been duly signed in the usual way after such bankrupt had duly surrendered and passed his last examination; and it was also by the said Act amongst other things provided and enacted, that whenever it shall be made to appear to the satisfaction of any Court for Relief of Insolvent Debtors, upon the application of any insolvent, his assignee or assignees, or any of his or her creditors, that the estate of such insolvent debtor which shall have come to the hands of the assignee or assignees shall have produced sufficient to pay and discharge three-fourths of the amount of the debts which shall have been established in such Court, or that creditors to the amount of more than one half in number and value of the debts which shall have been so established shall signify their consent in writing thereto, it shall be lawful for such Court to inquire into the conduct of the said insolvent, and if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his or her creditors, such Court shall be fully authorized and empowered thereupon to order that the said insolvent shall be for ever discharged from all liability whatsoever for or in respect of such debts so established as aforesaid, and such Court shall, in the order to be drawn up, specify and set forth the names of such creditors; and after any such order shall have been so made no further proceedings shall be had in the matter of the petition before the Court, unless upon appeal made to the Supreme Court of Judicature of the presidency where such Court for the Relief of Insolvent Debtors shall be holden as thereby authorized; and it was by the said recited Act also provided, that no such order as last aforesaid shall prevent any creditor who shall not have been resident within the limits of the Charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, and who shall not have taken part in any of the proceedings under the said petition, from bringing any suit or action in the East-Indies for the purpose of obtaining execution against the goods, estate, or effects of such insolvent for any unsatisfied claim of such creditor, nor from bringing any suit or action for such claim in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere, without the limits of the said United Company's Charter, against such insolvent, in the same manner and with the like consequences and effects as if such order as last-mentioned had not been made: and whereas it is expedient to extend and add to the provisions of the said Acts, so as to give to insolvent debtors, being traders, who shall have acted

9 G. 4, c. 73.

2 W. 4, c. 43.

fairly and honestly towards their creditors, an additional and more complete discharge, and also to render more effectual the means of obtaining such discharge, and at the same time to preserve to such insolvent debtors such relief as is already afforded by the said recited Acts: and whereas under the provisions of the Act passed in the first and second years of his present Majesty King William the Fourth, intituled, "An Act to establish a Court in Bankruptcy," a fiat is issued in bankruptcy in lieu of a commission of bankrupt in every case where the Lord Chancellor, by virtue of any former Act had heretofore power to issue a commission of bankrupt: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that any person who now is or who shall hereafter become an insolvent debtor within the intent and meaning of the said Act of the ninth year of the reign of his Majesty King George the Fourth, either upon petition filed, or by adjudication on an act of insolvency as therein provided, and who at the time of such petition being filed or adjudication made as aforesaid shall have been or shall be a person who, by an Act passed in the sixth year of the reign of his late Majesty, intituled, "An Act to amend the Laws relating to Bankrupts," or by any Act hereafter to be passed, would be deemed a trader liable to become bankrupt, shall be at liberty, at any time not earlier than three months from the making of such assignment as in the said Act, intituled, "An Act for the Relief of Insolvent Debtors in the East-Indies," directed, or from any such adjudication of insolvency as therein-mentioned (as the case may be), to apply by petition for his discharge to any one of the said Courts in the East-Indies for the Relief of Insolvent Debtors, in the said last-mentioned Act mentioned, as shall have already jurisdiction over the matter of his insolvency; and the principal officer of such Court shall cause a notice of such petition to be forthwith inserted in the *Gazette* of the presidency within which such Court shall be holden; and the chief secretary of the government of such presidency shall, without delay, transmit to the Court of Directors of the said United Company, by different ships, two at least of every such *Gazette* which shall contain such notice as aforesaid, who shall, without delay, cause such notice to be inserted in the *London Gazette;* and all creditors of the said insolvent, either alone or as a partner with any other person or persons, and either within the limits of the said Charter of the said United Company, or elsewhere, who shall not, within fourteen calendar months from the filing of such petition for a discharge as aforesaid, have given notice to the said Court of his dissent from such insolvent having his discharge, shall be taken to have assented thereto; and thereupon, and at the expiration of the said fourteen calendar months from the filing of such petition for discharge as aforesaid, if it shall appear to such Court that the said insolvent has acted fairly and honestly towards his creditors, and unless creditors to the amount of one-sixth in number and value of the debts that shall have been established in such Court shall have given notice of their dissent as aforesaid, or unless a fiat in bankruptcy (not being a fiat issued under the provisions of the said recited Acts "to provide for the Relief of Insolvent Debtors in the East-Indies,") shall have been sued out in England against such insolvent within the time herein-after provided, such Court shall be authorized and empowered to order the discharge of the said insolvent from liability for debts, claims, and demands of and against such insolvent; and such order shall operate (save as herein-after provided) as a release and discharge from all debts, claims, and demands for which such insolvent was liable at the time of his petition for relief being filed, or of any such act of insolvency committed as aforesaid (as the case may be), and whether within the limits of the Charter of the said United Company, or elsewhere, and whether such debts, claims, and demands shall or shall not have been established in such Court as aforesaid; provided nevertheless, that such order shall not operate as a release or discharge of any person who was partner with such insolvent, or jointly bound or liable with him.

1 & 2 W. 4, c. 56.

Any insolvent within the meaning of the Act of 9 G. 4, may petition the Court for his discharge after three months.

6 G. 4, c. 16.

9 G. 4, c. 73.

Notice of such petition to be inserted in the *Gazette* of the Presidency, and in the *London Gazette*.

Creditors who shall not dissent within 14 months to be deemed to assent.

Court may then order discharge, unless 1-6th dissent, or a fiat in bankruptcy issue under the general Bankrupt Acts.

Order of Court to discharge all debts both in India and elsewhere.

But not to discharge partners.

If any fiat of bankruptcy shall be issued under the Acts for Relief of Insolvent Debtors in India, then the discharge to be confined to India;

II. Provided always, and be it further enacted, that in case any fiat in bankruptcy shall be issued in England against any such insolvent trader as aforesaid, under the provisions of the said Act, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies," or under the provisions of any other Act passed or to be hereafter passed respecting insolvent debtors in the East-Indies, then and in such case such order for discharge as aforesaid shall not operate as a discharge of the debt, claim, and demand of any creditor who shall not have been resident within the limits of the Charter of the said United Company at any time between the filing of such petition and the making of such order as last-mentioned, nor shall any such creditor be debarred from bringing any suit or action for such debt, claim, or demand in any Court of the United Kingdom of Great Britain and Ireland, or elsewhere without the limits of the said United Company's Charter, against such insolvent, in the same manner and with the like consequences and effects as if such order as last-mentioned had not been made.

but on the order for discharge being proved to the Commissioner, and on his signing the bankrupt's certificate, such certificate is to be a general discharge from all debts.

III. Provided nevertheless, and be it further enacted, that in such last-mentioned case, upon any application made to the Commissioner acting in such fiat as aforesaid, to sign the certificate of such insolvent, and after the same shall have been signed by the requisite [illegible] of creditors under the provisions of the said Act, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies," or any other Act passed or hereafter to be passed respecting insolvent debtors in the East-Indies, then if it shall be made to appear to such Commissioner that such order for a discharge has been made by the Court in the East-Indies as aforesaid, and if such Commissioner shall sign such certificate, he shall also certify in writing upon such certificate that such insolvent has obtained such order for discharge in the East-Indies as aforesaid, and thereupon such certificate shall have the same force and effect, as well within as without the limits aforesaid, as a certificate duly obtained under the said Act of the sixth year of the reign of his Majesty King George the Fourth, intituled, "An Act to amend the Laws relating to Bankrupts," or in any other Act passed or to be hereafter passed respecting bankrupts. 6 G. 4, c. 16.

In case there is no bankruptcy, the order of discharge to have effect every where.

IV. And be it enacted, that any such insolvent trader who shall not be made a bankrupt under the provisions of the said Act for the Relief of Insolvent Debtors in the East-Indies, or of any other Act passed or hereafter to be passed respecting insolvent debtors in the East-Indies, if he shall, after such order for his discharge shall have been made as aforesaid, be arrested, or have any action brought against him for any debt, claim, or demand for which he was so liable as aforesaid, either within the limits of the Charter of the said United Company or elsewhere, shall be discharged upon common bail, and may plead in general that the cause of action accrued before he became insolvent, and may give this Act and the special matter in evidence; and such order as aforesaid, duly sealed with the seal of the said Court, shall be sufficient evidence in all Courts and places whatsoever of all the proceedings precedent to such order being made, and of the same being duly obtained; and if any such insolvent trader shall be taken in execution or detained in prison for such debt, claim, or demand, where judgment has been obtained before such order of the Court for his discharge as aforesaid, it shall be lawful for any Judge of the Court wherein such judgment has been obtained, on such insolvent producing such order as aforesaid, to order any officer who shall have such insolvent in custody by virtue of such execution to discharge such insolvent without exacting any fee, and such officer shall be hereby indemnified for so doing; and any such insolvent trader who shall be a bankrupt under the provisions of the said last-mentioned Act, and who shall be arrested within the limits of the Charter of the said Company, shall be so

If there be a bankruptcy, discharge to be confined to India.

discharged, and may so plead, and shall have otherwise such relief, within the said limits, as herein-before mentioned; and if he shall also obtain such certificate as herein-before provided, he may be at liberty to avail himself either of such certificate, or of such order of discharge as aforesaid, for the purposes of his discharge within the limits aforesaid.

If certificate be obtained, it may be pleaded in India.

V. And be it further enacted, that in case any fiat in bankruptcy (other than a fiat under the provisions of the said Act, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies, or any other Act relating to the Insolvent Debtors in the East-Indies)," be issued against any such insolvent trader within the period of eight calendar months from the time of such petition for relief being filed, or of such adjudication of insolvency being made, as the case may be, and such insolvent trader shall be duly adjudged a bankrupt under such fiat, then and in such case such Court as aforesaid shall not be authorized and empowered to make any such order for discharge as aforesaid.

If a fiat under the Bankrupt Act within eight months after petition for discharge, the Court to make no order.

VI. And be it further enacted, that after the expiration of such eight calendar months as aforesaid, no fiat shall issue against any such insolvent, upon any petitioning creditor's debt [illegible]ore the filing of such petition for relief, or such adjudication of insolvency (as the case may be); and in case any fiat shall issue against such insolvent trader as aforesaid, upon a petitioning creditor's debt incurred subsequently to such filing of the petition for relief, or to such adjudication of insolvency as aforesaid, such fiat shall not in any manner affect, invalidate, or interfere with the proceedings under the insolvency previously existing in the East-Indies, nor shall the assignees under such fiat acquire any right or title to take possession of, demand, sue for, or recover any property or interest, real or personal, wheresoever situated, which belonged to such insolvent at the time of such petition for relief being filed, or of such adjudication of insolvency as aforesaid, but the assignee or assignees appointed by such Court for the Relief of Insolvent Debtors, shall have the sole and exclusive right and title thereto; and all debts, claims, and demands, due and payable to such insolvent at the time of such petition for relief being filed, or of such adjudication of insolvency as aforesaid, shall be established under such insolvency, and shall not be provable under such last-mentioned fiat.

But no fiat to issue against a trader who is already before the Insolvent Court, after the eight months from the petition for discharge.

VII. And whereas by the said recited Act of the ninth year of the reign of his late Majesty King George the Fourth, it is enacted, that all such insolvent debtors as therein mentioned shall, within the time also therein mentioned, deliver into the Court a schedule containing a full and true account of their debts, estates, and effects, as therein mentioned, and which schedule is thereby directed to be forthwith filed in the said Court: and whereas it is expedient that the creditors of such insolvent debtors residing out of the limits of the said Company's Charter, should have the means of inspecting such schedule with equal facility with creditors of such insolvent debtors residing within the limits of the said Charter; be it therefore further enacted, that the principal officer of the said respective Courts for the Relief of Insolvent Debtors shall, without delay, transmit to the Court of Directors of the said Company, by different ships, two or more copies of each such schedule, and the said Court shall retain the same, and permit any person or persons being a creditor or creditors of any such insolvent debtor, to inspect and examine at all seasonable times such schedule, and shall, upon the request and at the reasonable costs and charges of any such creditor or creditors (such costs and charges to be regulated by the said Court), provide for him or them a copy or copies of any such schedule.

Schedules of debtors in India to be transmitted to Court of Directors in England, and to be open to inspection of creditors.

## 5 & 6 GULIELMI IV. Cap. VI.

AN ACT *to indemnify the Governor-general and other Persons in respect of certain Acts done in the Administration of the Government of the British Territories in the East-Indies subsequent to the Twenty-second Day of April one thousand eight hundred and thirty-four, and to make those Acts valid.*

[13*th April* 1835.]

Whereas under and by virtue of an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth Day of April one thousand eight hundred and fifty-four," the superintendance, direction, and control of the whole civil and military government of all the British territories and revenues in India is vested in a Governor-general and Councillors, styled "The Governor-general of India in Council;" and it is thereby enacted, that there shall be four ordinary members of the said Council, to be appointed by the Court of Directors of the said Company, as therein mentioned; and it is thereby enacted, that the person who should be Governor-general of the Presidency of Fort William in Bengal on the twenty-second day of April one thousand eight hundred and thirty-four should be the first Governor-general of India under that Act, and that such persons as should be Members of Council of the same Presidency on that day should be respectively Members of the Council constituted by that Act; and it is also enacted that the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor-general in Council within the said territories; and various provisions are made for the administration of the government of the said territories, all of which it is thereby enacted shall commence and take effect from and after the twenty-second day of April then next, (that is to say,) from and after the twenty-second day of April one thousand eight hundred and thirty-four; and whereas by a commission under the seal of the Honourable the East-India Company, bearing date the twenty-seventh day of December one thousand eight hundred and thirty-three, duly issued by order of the Court of Directors of the said Company in that behalf, the said Court did appoint Lord William Cavendish Bentinck to be Governor-general of India, to take upon himself the said office upon and from the twenty-second day of April one thousand eight hundred and thirty-four, and did further appoint William Blunt, esquire, Alexander Ross, esquire, William Byam Martin, esquire, and Thomas Babington Macaulay, esquire, to be respectively the first, second, third, and fourth ordinary Members of the said Council; and by another commission bearing the same date the said Court did appoint Sir Charles Theophilus Metcalfe, baronet, to be Governor of the Presidency of Agra, which Presidency is by the said recited Act directed to be constituted, to take upon himself the said office upon and from the said twenty-second day of April one thousand eight hundred and thirty-four; and whereas under and by virtue of the former appointments of the Court of Directors of the said Company at the time of issuing the said commissions, and from thence until the twenty-second of April one thousand eight hundred and thirty-four, the said Lord William Cavendish Bentinck was Governor of the Presidency of Fort William in Bengal, and the said Sir Charles Theophilus Metcalfe, and the said William Blunt and Alexander Ross were respectively Members of the Council of the said Presidency, and in virtue of the provisions

3 & 4 W. 4. c. 85.

of former Acts the said Sir Charles Theophilus Metcalfe was also Vice-President of the said Council: and whereas on the said twenty-second day of April one thousand eight hundred and thirty-four the said Lord William Cavendish Bentinck was, in consequence of ill-health, at Ootacamund in the Presidency of Madras, and the said Sir Charles Theophilus Metcalfe and the aforesaid William Blunt were at Calcutta, and the said Alexander Ross, William Byam Martin, and Thomas Babington Macaulay were not in the East-Indies, and Lieutenant-colonel William Morrison, who had been appointed by the said Court a Provisional Councillor of India, was in Mysore; and for these and other reasons the Government of the said Presidency, and other the territories belonging to the East-India Company in India was administered for a time otherwise than in accordance with the said recited Act; and it is expedient that the said Lord William Cavendish Bentinck, and Sir Charles Theophilus Metcalfe and William Blunt, and all other persons by whom the said government was so administered, and all persons acting under the order of them or of any or either of them, should be indemnified in manner herein-after mentioned, and their acts rendered valid: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Lord William Cavendish Bentinck, Sir Charles Theophilus Metcalfe, and William Blunt, and also the several persons who at any time after the said twenty-second day of April one thousand eight hundred and thirty-four were or acted as Members of the Council of India, and also all persons acting under the authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for or on account or in respect of all or any acts, matters, and things whatsoever done, ordered, directed, or authorized by the said Governor-general and Vice-President and Members of Council, or any or either of them, or by any person or persons acting under the authority of them or of any or either of them; so only and provided that such acts, matters, and things shall have been done, ordered, directed, or authorized *bonâ fide* in the exercise of the administration of the government of the British territories in the East-Indies, between the said twenty-second day of April one thousand eight hundred and thirty-four and the first day of January one thousand eight hundred and thirty-five.

Governor-general, Vice-president, and members of Council in India, &c. indemnified for all acts done by them between 22d April 1834, and 1st January 1835;

II. And be it further enacted and declared, that all such acts, matters, and things shall be as valid and effectual, and shall be and be deemed to be of as much force, validity, and effect as if the same had been expressly authorized by the said recited Act.(1)

and such Acts to be valid.

(1) See Act of Government of India, No. 1 of 1834, in Appendix.

---

## 5 & 6 GULIELMI IV. Cap. XIX.

AN ACT *to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service.* [30*th July* 1835.]

XLI. And be it further enacted, that no such master shall discharge any individual person of his crew, whether British subject or foreigner, at any of his Majesty's colonies or plan-

Seamen not to be discharged abroad, without sanction of

tations, without the previous sanction in writing of the Governor, Lieutenant-governor, Secretary, or other officer appointed in that behalf by the Government there, or in the absence of all such authorities at or near to the port or place at which the ship shall be then lying, then of the chief officer of Customs of such colony or plantation resident at or near to such port or place; nor shall he discharge any such person at any other place abroad without the like previous sanction in writing of his Majesty's minister, consul, or vice-consul there, or in the absence of any such functionary, then of two respectable merchants resident there; all which said functionaries respectively are hereby authorized and required, and all which said merchants are hereby authorized, in a summary way to inquire into the grounds of any such proposed discharge by examination on oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

one of certain functionaries.

XLII. And be it further enacted, that no such master shall be at liberty to leave behind at any place abroad, either on shore or at sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the voyage, or having deserted from the ship, or otherwise disappeared, unless upon a previous certificate in writing of one of such functionaries or merchants as aforesaid, if there be any such at or within a reasonable distance from the place where the ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared, and cannot be brought back; and all such functionaries as aforesaid are hereby authorized and required, on the application of any such master, to inquire by examination on oath into the circumstances, and to give or refuse such certificate according to the result of such examination.

Nor to be left abroad on the plea of incapacity to proceed, desertion, or disappearance, without a similar authority.

---

## 5 & 6 GULIELMI IV. Cap. XXXII.

### An Act *to impose certain Duties on Tea.*

[21*st August* 1835.]

Whereas an Act was passed in the third and fourth year of the reign of his present Majesty, intituled, "An Act to provide for the Collection and Management of the Duties on Tea:" and whereas it is found expedient to alter the rates of duty thereby imposed; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of July one thousand eight hundred and thirty-six the several duties on tea imposed by the said recited Act shall cease and determine, save and except as to any arrears of such duties which may thenb e due and payable and unpaid; and in lieu and instead thereof there shall be charged a duty of two shillings and one penny on every pound weight of tea which after the said day shall be imported, or which, having been previously imported, shall after that day be entered for home consumption in the United Kingdom; which said duty shall be raised, levied, collected, and paid under the like rules and regulations, so far as the same may be applicable, and shall be appropriated and applied in such and the like manner, as the duties on tea imposed by the said recited Act.

3 & 4 Wm. 4, c. 101.

After 1st July 1836 the present duties on tea to cease, and a duty of 2*s.* 1*d.* per pound to be charged in lieu thereof.

## 5 & 6 GULIELMI IV. Cap. LII.

AN ACT *to authorize the Court of Directors of the East-India Company to suspend the Execution of the Provisions of the Act of the Third and Fourth William the Fourth, Chapter eighty-five, so far as they relate to the Creation of the Government of Agra.* [31*st August* 1835.]

3 & 4 W. 4, c. 85.

Whereas by an Act of Parliament made and passed in the fourth year of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth Day of April one thousand eight hundred and fifty-four," it is among other things enacted, that the territories then subject to the Government of the presidency of Fort William in Bengal shall be divided into two distinct presidencies, one of such presidencies, in which shall be included Fort William aforesaid, to be styled the presidency of Fort William in Bengal, and the other of such presidencies to be styled the presidency of Agra: and whereas much difficulty has arisen in carrying such enactment into effect, and the same would be attended with a large increase of charge: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Court of Directors of the East-India Company, under the direction and control of the Board of Commissioners for the affairs of India, to suspend the execution of the provisions of the said in part recited Act so far as the same relate to the division of the said territories into two distinct presidencies, and to the measures consequent thereupon, for such time and from time to time as the said Court of Directors, under the direction and control of the said Board of Commissioners, shall think fit.

East-India Company may suspend provisions of recited Act as to the division of the territories into two presidencies.

II. And be it further enacted, that for and during such time as the execution of such provisions aforesaid shall be suspended by the authority aforesaid, it shall and may be lawful for the Governor-general of India in Council to appoint from time to time any servant of the East-India Company, who shall have been ten years in their service in India, to the office of lieutenant-governor of the north-western provinces now under the presidency of Fort William in Bengal, and from time to time to declare and limit the extent of the territories so placed under such lieutenant-governor, and the extent of the authority to be exercised by such lieutenant-governor, as to the said Governor-general in Council may seem fit.

Governor-general, during such suspension, may appoint a lieutenant-governor of the north-western provinces.

The operation of the provisions of 3 & 4 Wm. 4, c. 85, respecting the establishment of a fourth Presidency has been suspended, and a Lieutenant-governor of Agra appointed under this Act.

## 5 & 6 GULIELMI IV. Cap. LXII.

AN ACT *to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths.* [*9th September* 1835]

Whereas an Act was passed in the present session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and it was thereby enacted, that the said Act should commence and take effect from and after the first day of June in this present year, the year of our Lord one thousand eight hundred and thirty-five, it not being intended that the said recited Act should take effect before the same received the royal assent: and whereas the said recited Act did not receive the royal assent till after the said first day of June one thousand eight hundred and thirty-five: and whereas it was enacted by the said recited Act, that from and after the first day of June next ensuing it should not be lawful for any justice of the peace to administer or receive such voluntary oaths as are therein mentioned, it being intended that the said prohibition should take effect from the time of the commencement of the said recited Act: and whereas it is expedient to amend the said Act, and to make some further provisions for the better effecting the object thereof, and to consolidate all the provisions relating thereto into one Act: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act the said recited Act shall be and the same is hereby repealed. 5 W. 4, c. 8. Recited Act repealed.

II. And be it further enacted, that in any case where, by any Act or Acts made or to be made relating to the revenues of Customs or Excise, the Post Office, the office of Stamps and Taxes, the office of Woods and Forests, land revenues, works, and buildings, the War Office, the Army Pay Office, the office of the Treasurer of the Navy, the Accountant-general of the Navy, or the Ordnance, his Majesty's Treasury, Chelsea Hospital, Greenwich Hospital, the Board of Trade, or any of the offices of his Majesty's principal Secretaries of State, the India Board, the office for auditing the Public Accounts, the National Debt Office, or any office under the control, direction, or superintendence of the Lords Commissioners of his Majesty's Treasury, or by any official regulation in any department, any oath, solemn affirmation, or affidavit might, but for the passing of this Act, be required to be taken or made by any person on the doing of any act, matter, or thing, or for the purpose of verifying any book, entry, or return, or for any other purpose whatsoever, it shall be lawful for the Lords Commissioners of his Majesty's Treasury or any three of them, if they shall so think fit, by writing under their hands and seals, to substitute a declaration to the same effect as the oath, solemn affirmation, or affidavit which might but for the passing of this Act be required to be taken or made; and the person who might under the Act or Acts imposing the same be required to take or make Lords of the Treasury empowered to substitute a declaration in lieu of an oath, &c. in certain cases.

such oath, solemn affirmation, or affidavit shall, in presence of the commissioners, collector, other officer or person empowered by such Act or Acts to administer such oath, solemn affirmation, or affidavit, make and subscribe such declaration, and every such commissioner, collector, other officer or person is hereby empowered and required to administer the same accordingly.

Declaration substituted to be published in the *Gazette*, and after 21 days from the date thereof the provisions of this Act to apply;

III. And be it enacted, that when the said Lords Commissioners of his Majesty's Treasury or any three of them shall, in any such case as herein-before mentioned, have substituted, in writing under their hands and seals, a declaration in lieu of an oath, solemn affirmation, or affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a copy of the instrument substituting such declaration to be inserted and published in the *London Gazette;* and from and after the expiration of twenty-one days next following the day of the date of the *Gazette* wherein the copy of such instrument shall have been published, the provisions of this Act shall extend and apply to each and every case specified in such instrument as well and in the same manner as if the same were specified and named in this Act.

and no oath to be administered in lieu of which such declaration has been directed.

IV. And be it enacted, that after the expiration of the said twenty-one days it shall not be lawful for any commissioner, collector, officer, or other person to administer or cause to be administered, or receive or cause to be received, any oath, solemn affirmation, or affidavit, in the lieu of which such declaration as aforesaid shall have been directed by the Lords Comissioners of his Majesty's Treasury to be substituted.

False declarations in matters relating to certain revenues a misdemeanor.

V. And be it enacted, that if any person shall make and subscribe any such declaration as herein-before mentioned in lieu of any oath, solemn affirmation, or affidavit by any Act or Acts relating to the revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any act, matter, or thing, or for verifying any book, account, entry, or return, or for any purpose whatsoever, and shall wilfully make therein any false statements as to any material particular, the person making the same shall be deemed guilty of a misdemeanor.

Oath of allegiance still to be required in all cases.

VI. Provided always, and be it enacted, that nothing in this Act contained shall extend or apply to the oath of allegiance in any case in which the same now is or may be required to be taken by any person who may be appointed to any office, but that such oath of allegiance shall continue to be required, and shall be administered and taken as well and in the same manner as if this Act had not been passed.

Oaths in courts of justice, &c. still to be taken.

VII. Provided also, and be it enacted, that nothing in this Act contained shall extend or apply to any oath, solemn affirmation, or affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any judicial proceeding in any Court of justice or in any proceeding for or by way of summary conviction before any justice or justices of the peace, but all such oaths, affirmations, and affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same manner as if this Act had not been passed.

Universities of Oxford and Cambridge, and other bodies, may substitute a declaration in lieu of an oath.

VIII. And be it enacted, that it shall be lawful for the Universities of Oxford and Cambridge, and for all other bodies corporate and politic, and for all bodies now by law or statute, or by any valid usage, authorized to administer or receive any oath, solemn affirmation, or affidavit, to make statutes, by-laws, or orders authorizing and directing the substitution of a declaration in lieu of any oath, solemn affirmation, or affidavit now required to be taken or

made: provided always, that such statutes, by-laws, or orders, be otherwise duly made and passed according to the Charter, laws, or regulations of the particular University, other body corporate and politic, or other body so authorized as aforesaid.

Declaration in writing sufficient to prove execution of any will, codicil, &c.

XVI. And be it further enacted, that it shall and may be lawful to and for any attesting witness to the execution of any will or codicil, deed, or instrument in writing, and to and for any other competent person, to verify and prove the signing, sealing, publication, or delivery of any such will, codicil, deed, or instrument in writing, by such declaration in writing made as aforesaid, and every such justice, notary, or other officer shall be and is hereby authorized and empowered to administer or receive such declaration.

Suits on behalf of his Majesty to be proved by declaration.

XVII. And be it further enacted, that in all suits now depending or hereafter to be brought in any Court of Law or Equity by or on behalf of his Majesty, his heirs and successors, in any of his Majesty's said territories, plantations, colonies, possessions, or dependencies, for or relating to any debt or account, that his Majesty, his heirs and successors, shall and may prove his and their debts and accounts, and examine his or their witness or witnesses by declaration, in like manner as any subject or subjects is or are empowered or may do by this present Act.

Voluntary declaration in the form in the schedule may be taken.

XVIII. And whereas it may be necessary and proper in many cases not herein specified to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds or other matters; be it therefore further enacted, that it shall and may be lawful for any justice of the peace, notary public, or other officer now by law authorized to administer an oath, to take and receive the declaration of any person voluntarily making the same before him in the form in the schedule to this Act annexed; and if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be deemed guilty of a misdemeanor.

Making false declaration a misdemeanor.

Declarations to be in the form prescribed by schedule.

XX. And be it further enacted, that in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorized to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

Persons making false declaration deemed guilty of a misdemeanor.

XXI. And be it further enacted, that in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorized to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

Act to take effect after 1st October 1835.

XXII. And be it enacted, that this Act shall commence and take effect from and after the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five.

Schedule referred to by the foregoing Act.

"I, *A. B.*, do solemnly and sincerely declare, that and I make this "solemn declaration conscientiously believing the same to be true, and by virtue of the "provisions of an Act made and passed in the year of the reign of his present "Majesty, intituled, *An Act* [*here insert the Title of this Act*]."

5 & 6 GULIELMI IV. Cap. LXIV.

AN ACT *to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.*

[*9th September* 1835.]

Commissioners of the Treasury authorized to compound with the East-India Company for the stamp duties on India bonds.

IV. And whereas it is expedient that the bonds to be made and issued by the East-India Company for the payment of any definite and certain sum of money should be freed and exempted from all stamp duties, upon payment by the said Company of an annual sum as a composition for and in lieu of such duties, in the manner herein-after mentioned; be it therefore enacted, that from and after the passing of this Act it shall be lawful for the Commissioners of his Majesty's Treasury for the time being, or any three or more of them, from time to time, to compound and agree with the East-India Company for the payment by the said Company of such an annual sum of money as the said Commissioners shall deem to be a reasonable composition for and in lieu of the stamp duties which would otherwise be payable on such bonds as aforesaid, to be made and issued by the said Company at any time during the term for which such composition shall be made; which said sum of money so agreed upon shall be paid to the Receiver-general of stamps and taxes by two equal half-yearly payments on such days in every year during the said term as the said Commissioners shall appoint for that purpose, and the payment thereof accordingly shall be secured by the bond of the said Company, which is hereby exempted from stamp duty; and every such composition shall be made either for one year or for any term not exceeding five years, at the discretion of the said Commissioners, and may be renewed and continued from time to time for any further term not exceeding as aforesaid, and for the payment of the same or any greater or less annual sum as the said Commissioners shall deem to be reasonable; and upon such composition being agreed upon and secured in manner aforesaid, all the bonds for the payment of any definite and certain sum or sums of money which shall be made and issued by the said Company during the term for which such composition shall be made, renewed, or continued shall be and the same are hereby freed and exempted from all stamp duties.

Transfers in England of the territorial debt of the East-India Company to be chargeable with a stamp duty of 30*s.* only.

V. And whereas under and by virtue of the laws in force in Great Britain the transfer of any share in the stock and funds of the East-India Company, whether upon a sale or otherwise is subject to a stamp duty of one pound ten shillings: and whereas a portion of the territorial debt of the said Company in India may be transferred from the books of the Company in India to their books in England, and may be transferable in such last-mentioned books in the same manner as the stock and funds of the said Company commonly called East-India stock are now transferable; and it is expedient that all transfers of the said territorial debt which may be made in England should be subject only to the same amount of stamp duty as transfers of shares in the stock and funds of the said Company called East-India stock are now subject to as aforesaid; be it therefore enacted, that from and after the passing of this Act every transfer of any part of the said territorial debt in the books of the said Company in England, whether upon a sale thereof or otherwise, shall be chargeable with a stamp duty of one pound ten shillings and no more.

Letters of attorney for voting on the election of East-India Di-

VI. And whereas under and by virtue of the laws in force in Great Britain and Ireland respectively letters or powers of attorney are chargeable with certain stamp duties, and it

is expedient to exempt from such duties the letters or powers of attorney herein-after mentioned; be it therefore enacted, that from and after the passing of this Act all letters or powers of attorney for voting on any election of a Director or Directors of the East-India Company shall be and the same are hereby exempted from all stamp duties whatsoever. rectors exempted from stamp duty.

---

## 5 & 6 GULIELMI IV. Cap. LXVI.

AN ACT *to amend the Law relating to the Customs.* [*9th September* 1835.]

Whereas an Act was passed in the third and fourth years of his present Majesty, intituled, "An Act for granting Duties of Customs;" and it is expedient to alter and amend the same in manner herein-after provided: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, instead of the duties now payable under the said Act upon coffee the produce of the British possessions within the limits of the East-India Company's Charter, and imported from such possessions, and upon coffee the produce of Sierra Leone, and imported from thence, there shall be paid for every pound of such coffee a duty of sixpence. (1) * * * * 3 & 4 W. 4, c. 56.

Regulating the duty on coffee and the other articles herein mentioned.

(1) [The duty on coffee imported from any place within the limits of the Charter, not being a British possession, is 1s. See table appended to 3 and 4 Will. 4, cap. 56.]

The remainder of section 1 relates to articles the produce of Africa and of British possessions in Europe.

II. And be it further enacted, that no coffee shall be entered as being the produce of any British possession within the limits of the East-India Company's Charter, unless the master of the ship importing the same shall have delivered to the collector or controller a certificate under the hand and seal of the proper officer at the place where such coffee was taken on board, testifying that a declaration in writing had been made and signed before him (the contents of which he had examined and believed to be true) by the shipper of such coffee, that the same was really and *bonâ fide* the produce of some such British possession, nor unless such master shall also make and subscribe a declaration before the collector or controller that such certificate was received by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein. Regulating the entry of coffee the produce of British possessions in the East-Indies.

## 6 & 7 GULIELMI IV. Cap. XXVI.

AN ACT *for granting to his Majesty, until the Fifth Day of July one thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-six.*

[4*th July* 1836.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that on and from and after the fifth day of July one thousand eight hundred and thirty-six, and until the fifth day of July one thousand eight hundred and thirty-seven,(1) there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, the duties of Customs following; (that is to say,)

Duties.

| Sugar; *videlicet*, | £ | *s.* | *d.* |
|---|---|---|---|
| ——— Brown or Muscovado or clayed sugar, not being refined, the hundred weight | 3 | 3 | 0 |
| ——— - - - the growth of any British possession in America, and imported from thence, the hundred weight | 1 | 4 | 0 |
| ——— - - - the growth of any British possession within the limits of the East-India Company's Charter, into which the importation of foreign sugar may be by this Act (2) prohibited, and imported from thence, the hundred weight | 1 | 4 | 0 |
| ——— - - - the growth of any other British possession within those limits, and imported from thence, the hundred weight | 1 | 12 | 0 |
| ——— Molasses, the hundred weight | 1 | 3 | 9 |
| ——— - - - the produce of and imported from any British possession, the hundred weight | 0 | 9 | 0 |
| ——— refined, the hundred weight | 8 | 8 | 0 |
| ——— Candy, brown, the hundred weight | 5 | 12 | 0 |
| ——— - - - white, the hundred weight | 8 | 8 | 0 |

Which several duties shall be raised, levied, collected, and paid in like manner as if such duties had been imposed by an Act passed in the third and fourth years of the reign of his present Majesty, intituled, "An Act for granting Duties of Customs."

3 & 4 W. 4, c. 56.

(1) [Continued by 1 Vic. cap. 27, 1 and 2 Vic. cap. 33, and 2 and 3 Vic. cap. 21,—by the last Act to 5th July 1840.]

(2) [The prohibitions and exceptions will be found in sections 3 and 4 of this Act. By 1 Vic. cap. 27, sec. 3, 1 & 2 Vic. cap. 33, sec.

4, and 2 & 3 Vic. cap. 21, sec. 4, it was declared lawful for her Majesty to extend the privileges of importation at the lower rate of duty, subject to the restrictions and conditions of this Act, to any British possession within the limits of the Charter, on satisfactory proof being laid before her Majesty in Council that the importation of foreign sugar into such possession is prohibited.]

By Act of Government of India, No. 15 of 1839, the importation of foreign sugar into any of the territories subject to the presidency of Fort Saint George is prohibited. See Act in Appendix.

The second section relates to bounties on sugars exported from the United Kingdom.

Foreign sugar not to be imported into certain British possessions.

III. And be it further enacted, that from and after the first day of December one thousand eight hundred and thirty-six, it shall not be lawful to import into any part of the presidency of Fort William in Bengal, or of any dependency thereof, being a British possession, any foreign sugar, nor any sugar the growth of any British possession into which foreign sugar can be legally imported, save and except into such districts or provinces of the said presidency or of the dependencies thereof as shall be appointed by the Governor-general of India in Council.

Sugar not to be imported at a lower rate of duty.

IV. Provided always, and be it further enacted, that no sugar the produce of any district or province in respect of which any such order or orders shall be issued shall be imported into any part of the United Kingdom at the lower rate of duty proposed by this Act.

Certificate of origin.

V. And be it further enacted, that before any sugar shall be entered as being of the produce of any of the provinces composing the presidency of Fort William in Bengal, or of any of the dependencies thereof, being a British possession, at the lower rate of duty fixed by this Act, the master of the ship importing the same shall deliver to the collector or controller of the Customs at the port of importation a certificate under the hand and seal of the collector of sea Customs of the port where such sugar was taken on board within the limits of the presidency of Fort William in Bengal, or of any of the dependencies thereof, being a British possession, testifying that there had been produced to him by the shipper of such sugar a certificate under the hand and seal of the collector or assistant collector of the land or custom revenue of the district within which such sugar was produced that such sugar was of the produce of the district, and that the importation into such district of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited; which certificate so granted by the said collector of sea customs shall state the name of the districts in which such sugars were produced, their quantity and quality, the number and denomination of the packages containing the same, and the name of the ship in which they are laden, and of the master thereof; and that such master shall also make a declaration before the collector or controller that such certificate was received by him at the place where such sugar was taken on board, and that the sugar so imported is the same as is mentioned therein.(1)

(1) [See 3 & 4 Will. 4, cap. 52, sec. 38.]

Governor-general may appoint persons to give certificates.

VI. Provided always, and be it further enacted, that it shall be lawful for the Governor-general of India in Council to appoint any officer or officers, other than the said collector and assistant collector of land revenue and the collector of customs, to give such certificates.

---

## 6 & 7 GULIELMI IV. Cap. XLVII.

AN ACT *to continue until the First Day of March one thousand eight hundred and thirty-nine, and from thence to the end of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in India.* [28*th July* 1836.]

9 G. 4, c. 73.

Whereas an Act was passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to provide for the Relief of Insolvent Debtors in the East-Indies, until the first day of March one thousand eight hundred and thirty-three:" and whereas a certain other Act was passed in the second year of the reign of his present Majesty,

2 W. 4, c. 43.

intituled, "An Act to continue until the first day of March one thousand eight hundred and thirty-six an Act of the ninth year of his late Majesty for the Relief of Insolvent Debtors in India," whereby the said first-mentioned Act was continued in force until the first day of March one thousand eight hundred and thirty-six: and whereas a certain other Act was

5 W. 4, c. 79.

passed in the fifth year of the reign of his present Majesty, intituled, "An Act to amend the Law relating to Insolvent Debtors in India:" and whereas it is expedient that the said first-mentioned Act, as amended by the said last-mentioned Act, should be continued; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and

Recited Acts continued.

by the authority of the same, that the said Acts shall be and the same are hereby continued until the first day of March one thousand eight hundred and thirty-nine, and from thence until the end of the then next session of Parliament.

Acts and deeds done subsequent to the expiration of recited Acts to be deemed valid.

II. And whereas it may have happened that divers Acts have been done since the first day of March last pursuant to the provisions in the said recited Acts contained, and doubts may be entertained of the validity or efficacy of such Acts, or of some of them, and it is expedient that such doubts should be removed; be it therefore enacted and declared, that all acts, deeds, matters, and things whatsoever which shall have been made or done on or subsequent to the said first day of March last, and which would have been valid and effectual if the said several Acts had been then in force, are and shall be, and shall be held, adjudged, deemed, and taken to be, as valid and effectual to all intents and purposes as if the said recited Acts had not expired, and this Act had passed on the twenty-ninth day of February last.

Act may be altered this session.

III. And be it enacted, that this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present session of Parliament.

See Act of the Government of India, No. 4 of 1836, in Appendix.

## 6 & 7 GULIELMI IV. Cap. LIII.

AN ACT *for enabling his Majesty to grant Admiralty Jurisdiction to the Court of Judicature of Prince of Wales's Island, Singapore, and Malacca.*

[13*th August* 1836.]

Whereas it is expedient that his Majesty's Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, should have jurisdiction as a Court of Admiralty; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, by Charter or letters patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant and commit to the said Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, powers and authorities for the exercise of Admiralty jurisdiction to the same extent, in all respects as his Majesty's Supreme Court of Judicature at Fort William in Bengal, is now by virtue of any Charter or Acts of Parliament authorized to exercise any Admiralty jurisdiction.

Admiralty jurisdiction existing at Fort William extended to Prince of Wales's Island, &c.

II. And be it further enacted, that when it shall please his Majesty to issue any Charter or letters patent by virtue of this Act, the warrant for such Charter or letters patent shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

By whom the warrant to be countersigned.

---

## 6 & 7 GULIELMI IV. Cap. LVIII.

AN ACT *for declaring the Law as to the Day on which it is requisite to present for Payment to the Acceptors or Acceptor supra Protest for Honour, or to the Referees or Referee in case of Need, Bills of Exchange which had been dishonoured.*

[13*th August* 1836.]

Whereas bills of exchange are occasionally accepted supra protest for honour, or have a reference thereon in case of need: and whereas doubts have arisen when bills have been protested for want of payment as to the day on which it is requisite that they should be presented for payment to the acceptors or acceptor for honour, or to the referees or referee, and it is expedient that such doubts should be removed: be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall not be necessary to present such bills of exchange to such acceptors or acceptor for honour, or to such referees or referee, until the day following the day on which such bills of exchange shall become due; and that if the place of address on such bill of exchange of such acceptors or acceptor for honour, or of such referees or referee, shall be in any city, town, or place other than in the city, town, or place where such bill shall be

Bills of exchange need not be presented to acceptors for honour or referees till the day following the day on which they become due.

therein made payable, then it shall not be necessary to forward such bill of exchange for presentment for payment to such acceptors or acceptor for honour, or referees or referee, until the day following the day on which such bill of exchange shall become due.

If the following day be a Sunday, &c. then on the day following such Sunday, &c.

II. And be it further enacted and declared, that if the day following the day on which such bill of exchange shall become due shall happen to be a Sunday, Good Friday, or Christmas Day, or a day appointed by his Majesty's proclamation for solemn fast or of thanksgiving, then it shall not be necessary that such bill of exchange shall be presented for payment, or be forwarded for such presentment for payment, to such acceptors or acceptor for honour, or referees or referee, until the day following such Sunday, Good Friday, Christmas Day, or solemn fast or day of thanksgiving.

---

## 6 & 7 GULIELMI IV. Cap. LX.

### An Act *to amend the Laws relating to the Customs.*

[13*th August* 1836.

Spirits may be imported in casks of twenty gallons, and tobacco or snuff in hogsheads, &c. containing 300lbs.

IV. And whereas by the said last-mentioned Act (1) all spirits, not being perfumed or medicinal spirits, or rum of and from the British possessions, are required to be imported into the United Kingdom in casks containing not less than forty gallons, and tobacco and snuff in certain cases are also required to be imported in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff four hundred and fifty pounds weight; be it enacted, that the said restrictions shall not extend to any such spirits in casks of not less than twenty gallons, nor to any such tobacco or snuff in hogsheads, casks, chests, or cases, each of which shall contain of net tobacco or snuff three hundred pounds weight.

(1) [3 & 4 Will. 4, cap. 52.]

Goods may be exported in vessels of 60 tons.
5 & 6 W. 4, c. 56.

V. And whereas the importation and exportation of certain goods into and from the United Kingdom and other dominions of his Majesty by the laws now in force, is restricted to vessels of seventy tons burthen or upwards: and whereas by an Act passed in the fifth and sixth years of the reign of his present Majesty, intituled, "An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom," vessels are required to be admeasured according to the rules set forth in that Act, and in consequence thereof it has become expedient to reduce the tonnage to which such importations and exportations are restricted; be it therefore enacted, that it shall be lawful to import into or export from the United Kingdom, and other dominions of his Majesty, any such goods in vessels of sixty tons burthen and upwards, provided such vessels have been admeasured according to the rules prescribed by the last-mentioned Act.

A subsequent section of this Act contains a table of new duties; but all variations thereby made with respect to articles contained in so much of the table appended to 3 & 4 Will. 4, cap. 56, as is printed in this collection, have been noticed in a note upon that table.

## 7 GULIELMI and 1 VICTORIÆ. Cap. XXVII.

*An Act for granting to her Majesty, until the Fifth Day of July one thousand eight hundred and thirty-eight, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-seven.* [3rd *July* 1837.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the duties imposed on sugar and molasses by an Act passed in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled, "An Act for granting to his Majesty, till the Fifth Day of July one thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-six," shall be further continued until the fifth day of July one thousand eight hundred and thirty-eight.

Duties imposed by 6 & 7 W. 4, c. 26, continued till 5th July 1838.

II. And be it enacted, that the duties hereby continued shall be collected, paid, and accounted for in such and the like manner as if the said duties had been continued to the fifth day of July one thousand eight hundred and thirty-eight by the said recited Act. (1)

Duties to be collected in like manner as if continued by recited Act.

(1) Continued by 1 & 2 Vic. cap. 33, to 5th July 1839, and by 2 & 3 Vic. cap. 21, to 5th July 1840.

III. Provided always, and be it enacted, that if at any time satisfactory proof shall have been laid before her Majesty in Council that the importation of foreign sugar into any British possession within the limits of the East-India Company's Charter is prohibited, it shall be lawful for her Majesty, by and with the advice of her Privy Council, or by her Majesty's Order in Council to be published from time to time in the *London Gazette*, to allow the importation of sugar the growth of any such British possession at the lower rate of duty in the said Act specified, in like manner and under the same restrictions and conditions as sugar the growth of the presidency of Fort William in Bengal may be imported subject to a lower rate of duty under the provisions of the said recited Act.

Her Majesty may allow the importation of sugar the growth of certain British possessions.

7 GULIELMI and 1 VICTORIÆ. Cap. XXXIV.

AN ACT *for the Regulation of the Duties of Postage.*

[12*th July* 1837.]

East-India postage.

XXI. And be it enacted, that for every letter which shall be brought into the United Kingdom by any vessel arriving from Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, the following sea postage, in addition to any inland postage, shall be payable; (that is to say,)

| | s. | d. | |
|---|---|---|---|
| For every letter not exceeding the weight of three ounces ... | 0 | 4 | |
| If exceeding the weight of three ounces ... ... | 1 | 0 | per ounce. (1) |

(1) [The above section is not now in operation. The 2 & 3 Vic. cap. 52, empowered the Lords of the Treasury to vary the rates of postage, and under this authority they, by a warrant dated 27th December 1839, fixed the postage of ship letters (not being transmitted by packet boats) between any part of the United Kingdom and any place beyond the seas, including the East-Indies, at eight-pence under half-an-ounce weight; two postages to be charged where the weight is above half-an-ounce and under an ounce, and two additional postage for every ounce or fraction of an ounce after the first. The operation of 2 & 3 Vic. cap. 52, is limited to the 5th October 1840. The packet rates of postage will be found by reference to 7 Wm. & 1 Vic. cap. 76.]

East-India postage on letters not sent by packet boat.

XXII. And be it enacted, that for letters delivered to the Post-office to be sent out to Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, by ships and vessels other than packet-boats, shall be payable, in addition to inland rates,

| | s. | d. | |
|---|---|---|---|
| For every letter not exceeding three ounces a sea postage of .. | 0 | 2 | |
| If exceeding that weight ... ... ... | 1 | 0 | per ounce.(1) |

(1) [The operation of this section is suspended in like manner with that of the preceding.]

Exemption from ship letter postage.

XXIII. And be it enacted, that the following persons shall have their letters free from sea postage, (that is to say,) the owners, charterers, or consignees (resident in the United Kingdom) of vessels inward-bound, and the owners, consignees, or shippers of goods on board vessels inward-bound; but the letters brought by any one vessel to any one such person shall not collectively exceed six ounces in weight (except in the case of letters brought by vessels coming from Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, for an owner, charterer, or consignee of such vessel, in which case they may be collectively twenty

ounces in weight); and the owner, charterer, or consignee shall be described as such on the address and superscription, and in the case of owners, shippers, or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the vessel; and the persons hereby exempted shall be entitled to have their letters which come within the above conditions before the master of the vessel delivers the other letters in his charge to the Post-office. (1)

(1) [This privilege is continued by the Treasury warrant above referred to.]

Regulations respecting ship letters.

XXIV. And for encouraging masters of vessels not being Post-office packets to undertake the conveyance of letters between places in the United Kingdom and between the United Kingdom and places beyond the seas, and for regulating the conveyance and delivery of such letters be it enacted, that the Postmaster-general may allow to the masters thereof two-pence for each letter which they shall receive from the Post-office when outward-bound, and two-pence for each letter which they shall deliver to the Post-office at the first port at which they touch or arrive or with which they communicate when inward-bound; and if from unforeseen circumstances the master cannot upon delivering his letters at an outport receive the money to which he is entitled he shall be paid by means of an order of the Postmaster-general at such other place as may be convenient; but the allowance hereby provided shall not extend to masters of vessels bound to Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, who shall carry post letters outward without being entitled to remuneration; and every master of a vessel bound outward to Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope shall receive on board his vessel every post letter bag tendered to him for conveyance, and having received the same shall deliver it on his arrival at the port or place of his destination without delay. (1)

Remuneration to masters of vessels.

East-India vessels are to carry letters without remuneration.

* * * * * * *

(1) [The remainder of section 24 is not necessary to be inserted. Under the Treasury warrant previously noticed, one penny upon every letter, and one halfpenny upon every newspaper is to be paid to masters of vessels bound to Ceylon, Mauritius, Cape of Good Hope, and to the East-Indies.]

Special rates respecting newspapers, &c.

XXVIII. And be it enacted, that the articles enumerated in the following table may be sent free of postage, or at a reduced rate of postage, according to the rates therein set forth:—

Printed British newspapers:

* * * * * * *

Between the United Kingdom and her Majesty's colonies: (1)

| | |
|---|---|
| By packet boats to any of her Majesty's colonies and possessions beyond the seas ... ... ... ... ... ... | Free. |
| By private ships ... ... ... ... ... | 1*d.* each. |

Printed colonial newspapers: (2)

| | |
|---|---|
| Brought into the United Kingdom by packet boats ... ... | Free. |
| Directed to a place in any of her Majesiy's colonies beyond the seas, to pass through the United Kingdom and to be forwarded by packet boats ... | Free |

| | |
|---|---|
| Brought into the United Kingdom by private ships, and delivered by the master at the Post-office ... ... ... ... | 1*d.* each. |
| * * * * * * * | |
| Newspapers between the colonies and foreign countries through the United Kingdom: | |
| If sent by private ships ... ... ... ... | 1*d.* each. |
| Colonial newspapers sent by packet boat through the United Kingdom to a foreign state (subject to the consent of the Lords of the Treasury) ... | Free. |
| Foreign newspapers sent by packet boat through the United Kingdom to the colonies (subject to the like consent) ... ... ... | Free. |
| Parliamentary proceedings: | |
| Printed votes and proceedings of the Imperial Parliament sent to her Majesty's colonies by packet boat: (3) | |
| If not exceeding an ounce ... ... ... ... | 1½*d.* each. |
| For every additional ounce ... ... ... ... | 1½*d.* |
| * * * * * * * | |
| Printed prices current: | |
| To Cape of Good Hope, Ceylon, the Mauritius, and the East-Indies: | |
| For each packet not exceeding an ounce ... ... ... | 1*d.* each. |
| For each packet exceeding an ounce, per ounce ... ... ... | 1*d.* |
| Periodical publications: | |
| Pamphlets, magazines, reviews, and other periodical publications posted at Falmouth may be transmitted by packet boat to any of her Majesty's colonies at a rate for each publication: | *s.* *d.* |
| Not exceeding six ounces in weight ... ... ... ... | 1 0 |
| For every ounce beyond that weight ... ... ... | 0 3 |
| Unstamped publications: | |
| Unstamped printed publications may be sent at such a rate or annual sum as the Postmaster-general (with the consent of the Lords of the Treasury) shall agree upon with the editor, proprietor, or publisher. | |
| * * * * * * * | |

(1) [The 1st Vic. cap. 36, sec. 47, in reference to "the interpretation of the Post-office Laws," declares that the term "Her Majesty's Colonies" shall include every port and place within the territorial acquisitions now vested in the East-India Company.

(2) [The Act above referred to declares that the term "Colonial Newspapers," shall mean newspapers printed and published in any of Her Majesty's dominions out of the United Kingdom.]

(3) [By Treasury warrant, dated 31st January 1840, the rate of charge on Parliamentary proceedings is reduced, but they are not

allowed to be transmitted through France, or to the East-Indies, by way of Falmouth and Alexandria.]

Allowance to master of vessel for carrying newspapers.

XXXVIII. And be it enacted, that the Postmaster-general may allow the masters of vessels other than packet-boats one penny on every printed newspaper, foreign or colonial, brought into the United Kingdom from a port or place out of the United Kingdom, and delivered by them at the post-office of the post town at which they shall touch or arrive; and the like sum of one penny on every printed newspaper delivered by the Postmaster-general to any such masters for conveyance to a port or place out of the United Kingdom,(1) or between any places within the United Kingdom under the Post-office Acts.

(1) [One halfpenny to masters of vessels bound to Ceylon, Mauritius, the Cape, or the East-Indies, under Treasury warrant, already referred to.]

Soldier's or seamen's letters.

XL. And be it enacted, that the following classes of persons may both send and receive single letters(1) by the post on their own private concerns only, at the reduced postage of one penny for each single letter; (*videlicet*,)

Enumeration of persons privileged.

Every seaman employed in her Majesty's navy within her Majesty's dominions, whether at home or abroad, whilst such seaman shall be actually employed in her Majesty's service:

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines within her Majesty's dominions, whether at home or abroad, whilst actually employed in her Majesty's service:

Every seaman employed in her Majesty's navy in the East-Indies, or at Ceylon, the Mauritius, Saint Helena, or the Cape of Hope:

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whilst actually employed in her Majesty's service in the East-Indies, or at Ceylon, the Mauritius, Saint Helena, or the Cape of Good Hope:

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in the service of the East-India Company, whilst actually employed in the service of the Company:

Exclusion of certain persons.

But the letters of commissioned officers or warrant officers, either in the army or navy, or midshipmen or master's mates of the navy, are not included in this provision:

Conditions to be observed in sending letters of this class.

And with respect to letters sent by any such privileged persons the following conditions shall be observed (that is to say); the postage shall be paid on putting the letter into a post-office established under the authority of the Postmaster-general, and upon such letter shall be superscribed the name of the writer, and his class or description in the vessel, regiment, corps, or detachment to which he shall belong; and upon every such letter there shall be written in the hand-writing of and signed by the officer having at the time the command of the vessel, or of the regiment, corps, or detachment to which the privileged person belongs, the name of such officer, and the name of such vessel, or of such regiment, corps, or detachment:

Conditions to be observed in regard to letters of this class received.

And with respect to letters received by the post by any of the said privileged persons, the following conditions shall be observed:—the postage of each letter shall be paid upon putting it into a post-office established under the authority of the Postmaster-general, and it shall be directed to the privileged person, specifying on the superscription thereof the vessel, or the regiment, corps, or detachment to which he shall belong; and the deputy postmaster of the place to which such letter shall be sent to be delivered shall not deliver such letter to any person except the person hereby privileged to whom it shall be directed, or to some person appointed to receive the same, by writing under the hand of the officer in command:

Additional sea postage to be paid in certain cases.

But whenever any of the above-mentioned privileged persons shall be employed in her Majesty's service, or in the service of the East-India Company, in the East-Indies, or at Ceylon, the Mauritius, Saint Helena, or the Cape of Good Hope, the letters sent by them shall be charged to the party receiving them with an additional sea-postage of two-pence each, as well as the inland postage of one penny, making the whole three-pence, unless the letters are delivered into a post-office of the United Kingdom free of expense to the post-office, in which case they shall be charged the inland postage of one penny only:

Soldiers and seamen's letters exempt from local rates.

And the privileged letters of persons privileged under this enactment shall be exempt from the payment of the local rates of postage by penny or twopenny posts, when they have passed through or when they are intended to pass through the general post.(2)

(1) [The distinction between single and double letters is not now preserved. The Treasury warrant of 27th Dec. 1839 prescribes that the privileged letters of soldiers and seamen shall not exceed half an ounce in weight.]

(2) [During the continuance of the universal penny postage this provision is inoperative.]

---

## 7 GULIELMI & 1 VICTORIÆ. Cap. 35.

AN ACT *for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage.* [12*th July* 1837.]

Franking privilege of letters to and from the East-Indies.

XVIII. And be it enacted, that the Court of Directors of the East-India Company, or the Secret Committee appointed by the same Court (in pursuance of an Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth), shall so long as the possession and Government of her Majesty's territories in the East-Indies shall belong to the Company, have the privilege of receiving and sending free of postage, to and from the Governor-general and Council and several presidencies in the East-Indies, or any agent or other officer of the Company in the East-Indies, any letter relating entirely to the affairs of the Company; and the said Court of Directors, Secret Committee, and secretary or assistant-secretary of the Company, may receive any such letter free from postage from any officer or agent of the Company, by ships in the service of the Company; provided that

with respect to letters sent to the East-Indies they be superscribed by the Chairman or Deputy-chairman, or secretary or assistant-secretary of the Company; and the Commissioners for the Affairs of India, and the Chairman and Deputy-chairman of the East-India Company, may send and receive letters to and from Ceylon, the Mauritius, or any port or place in the East-Indies, or to and from the Cape of Good Hope, free from postage, provided that no such letter exceed three ounces in weight; and the Directors of the Company may receive letters free from sea postage from Ceylon, the Mauritius, or any port or place in the East-Indies, by ships in the service of the said Company, provided that the letters brought by any one ship for any one Director do not collectively exceed the weight of six ounces; and every person who shall have been Director shall continue to have the privilege for one year after he shall have ceased to be a Director. (1)

(1) [Under the authority of 2 & 3 Vic. cap. 52, the operation of the concluding portion of the section is superseded.]

---

## 7 GULIELMI & 1 VICTORIÆ. Cap. XXXVI.

An Act *for consolidating the Laws relative to Offences against the Post-Office of the United Kingdom, and for regulating the Judicial Administration of the Post-Office Laws, and for explaining certain Terms and Expressions employed in those Laws.* [12*th July* 1837.]

Penalties for abusing the franking privilege.

IV. And for preventing the abuse of any privilege by the Post-office Acts conferred of sending letters or papers free of postage, or at a reduced rate of postage, whereby the Post-office revenue may be defrauded, be it enacted, that every person who shall send or cause to be sent a banker's parcel, wherein or upon the cover whereof there shall be a writing or communication, or any thing other than negotiable notes, contrary to the Post-office laws or the regulations of the Postmaster-general, shall forfeit two hundred pounds; and every franking officer or other person authorized by virtue of their office to frank official letters who shall unlawfully superscribe a letter as belonging to his office or department which does not concern the business thereof shall for the first offence forfeit one hundred pounds, and for the second offence shall forfeit the like sum, and be dismissed from his office; and every person having the command of a ship or vessel, or regiment or corps or detachment, who is authorized to write his name and the name of the ship, or of the vessel, or of the regiment or corps or detachment, commanded by him, upon a single letter from a seamen or soldier privileged to send his letter at a reduced rate of postage, who shall wilfully write his name upon a letter that is not from and on the private concerns only of such seamen or soldier so privileged, shall for every such offence forfeit five pounds; and every person not having at the time the command of the ship or vessel, or regiment or corps, or detachment to which a seaman or soldier so privileged belongs, who shall write his name upon a letter in order that the same may be sent at a lower rate of postage than by law established, shall for every such offence forfeit five pounds; and every person who shall procure a seaman or soldier to obtain the signature of his commanding

officer to a letter to be sent by the post which shall not be on the private concerns of such seaman or soldier, and every such seaman or soldier who shall obtain the signature of his commanding officer upon a letter which shall not be from such seaman or soldier, and upon his own private concerns only, in order to avoid the payment of the rates of postage by law established, shall for every such offence forfeit five pounds; and every person who shall wilfully address a letter to such seaman or soldier having the privilege of receiving his letters at a reduced rate, which shall be intended for another person, or which shall be concerning the affairs of another person, with intent to evade the payment of the rate of postage by law established, shall for every such offence forfeit five pounds; and every person who shall, with intent to evade any duty of postage, falsely superscribe a letter as being the owner or the charterer or the consignee of a vessel conveying the same, or as the owner or the shipper or the consignee of goods shipped in such vessel, shall for every such offence forfeit ten pounds.

Penalty for falsely superscribing the letter of an owner of a vessel, &c.

Penalties on masters of ships not taking letter bags.

VI. And for compelling the observance of the provisions of the Post-office laws, relating to the conveyance of ship letters, be it enacted, that every master of a vessel outward bound to Ceylon, the Mauritius, the East-Indies, or the Cape of Good Hope, who shall refuse to take a post letter bag delivered or tendered to him by an officer of the Post-office for conveyance, shall forfeit two hundred pounds; and every master of a vessel who shall open a sealed letter bag with which he shall be intrusted for conveyance shall forfeit two hundred pounds; and every master of a vessel who shall take out of a letter bag with which he shall have been intrusted for conveyance a letter or any other thing shall forfeit two hundred pounds; and every master of a vessel who shall not duly deliver a letter bag with the contents at the Post-office on his arrival in port, without wilful or unavoidable delay after his arrival, shall forfeit two hundred pounds; and every person to whom letters may have been intrusted by the master of a vessel to bring on shore who shall break the seal, or in any manner wilfully open the same, shall forfeit twenty pounds; and every master of a vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship's letters to the Post-office, as required by an Act of the present session, intituled, "An Act for the Regulation of the Duties of Postage," shall forfeit fifty pounds; and every collector, controller, or officer of the Customs who by the said Act is required to prohibit any vessel reporting until the requisites of such Act shall have been complied with, who shall permit such vessel to report before the requisites of such Act shall have been complied with shall forfeit fifty pounds; and every master of a vessel (not having been able to send his letters ashore previous to his arrival at the port where the vessel is to report) who shall break bulk or make entry before all letters on board shall be sent to the Post-office shall forfeit twenty pounds; and every master of a vessel, or any other person on board any ship liable to the performance of quarantine, who shall neglect or refuse to deliver to the person or persons appointed to superintend the quarantine all letters in his possession, shall forfeit twenty pounds.

The only remaining section to which it is necessary to advert is the 47th, which relates to the interpretation of the Post-office laws. As it is very long, and much of it inapplicable to the object of this work, it will be sufficient to state the substance of those parts requiring notice. It declares that the term "Colonial letter" shall mean a letter transmitted between any of Her Majesty's Colonies and the United

Kingdom; that the term "Colonial newspapers" shall mean newspapers printed and published in any of Her Majesty's dominions out of the United Kingdom; that the term "East-Indies" shall mean every port and place within the territorial acquisitions now vested in the East-India Company, in trust for Her Majesty, and every other port or place within the limits of the Charter of the said Company, China excepted, and also including the Cape of Good Hope; that the term "Her Majesty's Colonies" shall include every port and place within the territorial acquisitions now vested in the East-India Company, in trust for Her Majesty, as well as Her Majesty's other colonies and possessions beyond sea; that the term "ships" shall include vessels other than packet-boats; that the term "sea postage" shall mean the duty chargeable for the conveyance of letters by sea by vessels not packet-boats, and the term "ship letter" a letter transmitted inward or outward by any such vessel; and that the term "vessel" shall include every ship or other vessel not a Post-office packet.

---

## 7 GULIELMI & 1 VICTORIÆ. Cap. XLVII.

An Act *to repeal the Prohibition of the Payment of the Salaries and Allowances of the East-India Company's Officers during their Absence from their respective Stations in India.* [12*th July* 1837.]

Whereas under and by virtue of an Act passed in the thirty-third year of the reign of his Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provisions for the good Order and Government of the Towns of Calcutta, Madras, and Bombay," and of another Act passed in the third and fourth years of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth Day of April one thousand eight hundred and fifty-four," it is enacted, that "if any Governor or other officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event

33 G. 3, c. 52.

3 & 4 W. 4, c. 85.

of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories or the presidency to which he may have belonged:" and whereas it is further provided in the said last-mentioned Act, that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants, who, having left their stations intending to return thereto, shall die during their absence, and it is expedient that such provision of the law should be altered in manner herein-after mentioned: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much and such part or parts of the said two Acts passed respectively in the thirty-third year of the reign of his Majesty King George the Third, and in the third and fourth years of the reign of his said late Majesty King William the Fourth, and of any other Act or provision of the law, as enacts that if any governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, shall not extend to the case of any officer or servant of the Company under the rank of governor or member of Council who shall quit the presidency to which he shall belong in consequence of sickness, under such rules as may from time to time be established by the Governor-general in India in Council, or by the Governor in Council of such presidency, as the case may be, and who shall proceed to any place within the limits of the East-India Company's Charter, or to the Cape of Good Hope, or to the Mauritius, or to the Island of St. Helena, nor to the case of any officer or servant of the said Company, under such rank as aforesaid, who, with the permission of the Government of the presidency to which he shall belong, shall quit such presidency in order to proceed to another presidency for the purpose of embarking thence for Europe, until the departure of such officer or servant from such last-mentioned presidency with a view to return to Europe, so as that the port of such departure for Europe shall not be more distant from the place which he shall have quitted in his own presidency than any port of embarkation within such presidency.

So much of the provisions of the recited Acts as prohibits the payment of salaries to officers in the service of the East-India Company during their absence shall not extend to cases of sickness;

nor to cases of officers quitting one presidency for another, in order to embark for Europe.

II. Provided always, and be it enacted, that no such rule so to be established as aforesaid shall have any force or validity until the same shall have been approved by the Court of Directors of the said Company, subject to the control of the Commissioners for the Affairs of India, in like manner as is provided by the said Act of the third and fourth years of the reign of his late Majesty King William the Fourth.

No rule valid till approved by Court of Directors, subject to the control of Commissioners for the Affairs of India.

III. And be it further enacted, that it shall be lawful for the said Court of Directors, subject to such control as aforesaid, to direct the refunding, by any officer or servant of the said Company, or by the representatives of any such officer or servant, of the whole or any part of the salary or allowance which he or they may have received under or by virtue of any such rule so to be established as aforesaid, if it shall appear to the said Court, subject to such control as aforesaid, that the permission to such officer or servant to quit the presidency to which he shall belong hath been improperly granted or obtained; and such sum as the said Court, subject to such control as aforesaid, shall direct such officer or servant, or the representatives of such officer or servant, to refund, shall be a debt due to the said Company, and shall be recoverable by them in any Court in like manner as any debt may now or hereafter shall be recovered by them.

Power for the Court of Directors, subject to aforesaid control, to direct the refunding of any part of the allowance paid under any of said rules.

## 7 GULIELMI & 1 VICTORIÆ. Cap. LXX.

*An Act to authorize the Commissioners for the Affairs of India and the Court of Directors of the East-India Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the East-India Company's College at Haileybury, and for providing during such suspension for the Examination of Candidates for the said College.* [15*th July* 1837.]

Whereas in an Act passed in the third and fourth years of the reign of his present Majesty, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the better Government of his Majesty's Indian Territories, till the Thirtieth day of April one thousand eight hundred and fifty-four," are contained several enactments respecting the admission of students into the College of the said Company at Haileybury, upon a principle then intended to be brought into practice of there being four candidates and no more than one student admitted into the said College for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for: and whereas it is expedient to provide, in manner herein-after mentioned, for the suspension of the same enactments: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the Board of Commissioners for the Affairs of India and the Court of Directors of the East-India Company shall, from the passing of this Act, have and be invested jointly with full power from time to time to suspend and to revive the operation of the said enactments for and during such period or successive periods of time as the said Board of Commissioners and Court of Directors may in their discretion think desirable.

3 & 4 W. 4, c. 85.

The India Board and Court of Directors may suspend the operation of enactments respecting admission of students;

II. And whereas in case of any suspension of the operation of the said enactments it will be expedient to establish some system of examination of candidates for admission to the said College at Haileybury; be it therefore further enacted, that in case the said Board of Commissioners and Court of Directors shall at any time or times hereafter suspend the operation of the said enactments, it shall be lawful for the said Board of Commissioners and they are hereby required to appoint, during the pleasure of the said Board, any competent person or persons to be an examiner or examiners of all candidates for admission to the said College at Haileybury, and to make, and afterwards alter, vary, or repeal, and again make, any regulations or provisions concerning such examinations, but so that during any suspension of the said enactments there shall be and continue in operation some system of examination according to the intent of this enactment.(1)

and in such case the Board to appoint examiners.

(1) [The 1 & 2 Vic. cap. 22, empowers the Board of Commissioners for the Affairs of India, to make rules for the government of the College whether the fourfold system of nomination be suspended or not.]

III. And be it further enacted, that it shall be lawful for the Court of Directors of the said East-India Company and they are hereby required to pay the expenses of any system of

Court of Directors to pay expenses of system of examination.

examination to be at any time established by virtue of this Act, provided such expenses do not exceed in any one year the sum of five hundred pounds.

Part of 33 G. 3, c. 52, repealed.

IV. And be it further enacted, that so much of an Act passed in the thirty-third year of the reign of his late Majesty King George the Third, intituled, "An Act for continuing in the East-India Company for a further Term the possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing certain Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provision for the good Order and Governments of the Towns of Calcutta, Madras, and Bombay," as enacts that no person shall be appointed or sent out to India as a writer after he has attained the age of twenty-two years, shall be and the same is hereby repealed.

Limiting the ages of students and writers.

V. Provided always, and it is hereby further enacted, that it shall not be lawful for any person to be admitted to the said College as a student whose age shall exceed twenty-one years, nor for any person to be appointed or sent out to India as a writer in the said Company's service whose age shall exceed twenty-three years.

All persons appointed or sent out as writers since 10th April 1834, and previously to 10th April 1839, to be deemed duly appointed.

VI. And be it further declared and enacted, that all persons who since the tenth day of April one thousand eight hundred and thirty-four have been appointed or sent out to India as writers in the said Company's service, after receiving a certificate of their due qualification under the hand of the principal of the said College, and all persons who previously to the tenth day of April one thousand eight hundred and thirty-nine shall be appointed or sent out to India as writers in the said Company's service, after receiving such certificate of their due qualification, shall be deemed to have been and to be duly appointed as writers, notwithstanding such persons may not have resided for four terms at the said College.

Rules made in pursuance of this Act to be laid before Parliament.

VII. And be it further enacted, that any rules made for the admission of students into the East-India College at Haileybury by the Commissioners for the Affairs of India, in pursuance of the provisions of this Act, shall be laid before both Houses of Parliament within fourteen days after the commencement of the session of Parliament then next ensuing.

---

## 7 GULIELMI & 1 VICTORIÆ. Cap. LXXVI.

*An Act to impose Rates of Packet Postage on East-India Letters, and to amend certain Acts relating to the Post-office.* [17*th July* 1837.]

Whereas it is expedient to extend the power vested in her Majesty's Postmaster-general of reducing certain rates of postage by an Act passed in the present session of Parliament: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Postmaster-general may at any time, with the consent of the Lords of the Treasury, reduce all or any of the rates of postage on colonial

Power to reduce postage on colonial and inland letters.

and inland letters, and any other British postage, to such extent as the Lords of the Treasury shall from time to time direct.

East-India packet postage.

II. And whereas arrangements may be made between her Majesty's Postmaster-general and the East-India Company for establishing a post communication by packet boats between Suez or Bassora, or some other convenient port of the Red Sea or the Persian Gulf and the East Indies; be it therefore enacted, that from and after such communication shall have been established, there shall be charged and paid for letters transmitted by such packet boats between any such port and any port in the East-Indies (letters transmitted by her Majesty's Mediterranean packet boats to or from the United Kingdom only excepted) the following rates of postage; (that is to say,) for every single letter, one shilling; for every double letter, two shillings; for every treble letter, three shillings; and for every letter of one ounce weight, whether it be single or double or a treble letter, four shillings, and for every quarter of an ounce beyond that weight the additional postage of a single letter; which rates the Postmaster-general may, with the consent of the Lords of the Treasury, require to be paid on the letters being tendered or delivered in order to be forwarded between any such ports. (1)

(1) [By 1 Vic. cap. 34, sec. 43, the packet postage from a port in the United Kingdom to any port in Syria or Egypt was fixed at 2s. 3d. All rates and methods of rating previously existing have, however, been suspended by the Treasury warrant of 27th December 1839. Under that authority all letters not exceeding half an ounce in weight, passing between any place within the United Kingdom wherever situate, and any other of the British dominions or colonies by packet-boat, and not through France (including letters to and from the East-Indies by way of Alexandria) are charged with the uniform rate of 1s. and if exceeding such weight with additional rates according to the gradation referred to in the note on section 23 of 1st Vic. cap. 34.]

---

## 1 & 2 VICTORIÆ. Cap. XXII.

AN ACT *to enable the Commissioners for the Affairs of India to make Rules and Regulations for Haileybury College.* [*9th May* 1838.]

4 W. 4, c. 85.

Whereas in an Act passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act for effecting an Arrangement with the East-India Company, and for the Government of his Majesty's Indian Territories, till the Thirtieth day of April one thousand eight hundred and thirty-four," are contained several enactments respecting the admission of students into the College of the said Company at Haileybury, upon a principle then intended to be brought into practice, of there being four candidates and no more than

one student admitted into the said College for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for; and by such enactments it was provided, amongst other things, that it should be lawful for the said Commissioners to form such rules, regulations, and provisions for the good government of the said College as in their judgment should appear best adapted to secure fit candidates for admission into the same, and for the examination and qualifications of such candidates, and of the students of the said College, after they should have completed their residence there, and for the appointment and remuneration of proper examiners; and such rules, regulations, and provisions were to be submitted to her Majesty in Council, for her revision and approbation: and whereas by virtue of an Act passed in the last session of Parliament, intituled, "An Act to authorize the Commissioners for the Affairs of India and the Court of Directors of the East-India Company to suspend the subsisting Enactments concerning the fourfold system of nomination of Candidates for the East-India Company's College at Haileybury, and for providing during such suspension for the examination of Candidates for the said College," the said Commissioners and Court of Directors have suspended the said enactments: and whereas, notwithstanding such suspension, or any future suspension of the said enactments, it is expedient that the said Commissioners should have power to frame rules for the government of the said College, as herein-after mentioned; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the Board of Commissioners for the Affairs of India, from time to time, whether the said enactments shall or shall not be suspended, to frame and make such rules, regulations, and provisions for the good government of the said College as in their judgment shall appear best adapted to secure the appropriate education of young men intended for the civil service of the East-India Company in India, and from time to time, by any new or other rules, regulations, or provisions, to revoke or alter the same, as to such Commissioners may seem fit: provided always, that no rules, regulations, or provisions to be framed or made under the authority of this Act shall have any force or effect until the same have been submitted to her Majesty, and until her Majesty's approbation thereof shall have been signified by an order of her Majesty in Council: provided also, that notice of all such rules, regulations, and provisions shall be given by the said Commissoners to the Court of Directors of the East-India Company twenty-one days at least previously to the same being submitted to her Majesty for approbation as aforesaid.

7 W. 4, & 1 Vic. c. 70.

Commissioners for the Affairs of India to make rules for the government of Haileybury College.

East-India Company may appoint and send to India as writer any student who has conformed to the rules of the College.

II. And be it enacted, that it shall be lawful for the Court of Directors of the East-India Company to nominate, appoint, and send to any of the presidencies for the time being in the East-Indies any person in the capacity of a writer who shall have been duly entered at such College, and have resided there the number of terms which shall be prescribed by any such rules and regulations as aforesaid, and who shall produce to the said Court of Directors a certificate under the hand of the principal of the said College testifying that he has duly conformed to the rules and regulations of the said College.

Act may be amended this session.

III. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

## 1 & 2 VICTORIÆ. Cap. XXXIII.

AN ACT *for granting to her Majesty, until the Fifth day of July one thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the service of the Year one thousand eight hundred and thirty-eight.* [4*th July* 1838.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, have freely and voluntarily resolved to give and grant unto your Majesty the duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the duties imposed on sugar and molasses by an Act passed in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled, "An Act for granting to his Majesty, until the Fifth day of July one thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the service of the Year one thousand eight hundred and thirty-six," shall be further continued until the fifth day of July one thousand eight hundred and thirty-nine.

Duties imposed by 6 & 7 W. 4, c. 26, continued till 5th July 1839.

II. And be it enacted, that the duties hereby continued shall be collected, paid, and accounted for in such and the like manner, as if the said duties had been continued to the fifth day of July one thousand eight hundred and thirty-nine by the said recited Act. (1)

Collection of the duties.

(1) [Continued by 2 & 3 Vic. cap. 21, to 5th July 1840.]

The 3d section relates to bounties on refined sugar; the 4th contains a re-enactment of the provisions of the 1st Victoria, cap. 27, for the admission of sugar from any British possessions in the East-Indies, at the lower rate of duty, after the production of proof satisfactory to her Majesty in Council, that the importation of sugar into such possessions is prohibited.

---

## 1 & 2 VICTORIÆ. Cap. LXXVII.

AN ACT *for permitting Affirmation to be made instead of an Oath in certain cases.* [10*th August* 1838.]

Whereas by an Act passed in the reign of King William the Third, intituled, "An Act that the Solemnization, Affirmation, and Declaration of the People called Quakers shall be received instead of an Oath in the usual form," reciting that divers Dissenters, commonly called

7 & 8 W. 3, c. 34.

Quakers, refusing to take an oath in Courts of justice and other places, are frequently imprisoned and their estates sequestered by process of contempt issuing out of such Courts, to the ruin of themselves and families, it is enacted that every Quaker on every occasion (except on criminal trials) where an oath is by law required, shall be permitted to make solemn affirmation and declaration in lieu thereof: and whereas the same privilege has by subsequent Acts of Parliament been extended in all cases to the persons called Quakers and Moravians: and whereas it is expedient and fitting that the aforesaid privilege should be extended to such persons as have been Quakers and Moravians, but have ceased to belong to either of such religious denominations of Christians, still continuing nevertheless to entertain conscientious objections to the taking of an oath: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for any person who shall have been a Quaker or a Moravian to make solemn affirmation and declaration in lieu of taking an oath, as fully as it would be lawful for any such person to do if he still remained a member of either of such religious denominations of Christians, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject: provided always, that every such affirmation or declaration shall be in the words following; that is to say,

Certain persons may make affirmation in lieu of oath;

if convicted of having falsely affirmed, to be punished as if guilty of perjury.

Form of declaration.

"I, *A. B.*, having been one of the people called Quakers, [*or* one of the persuasion of "the people called Quakers, *or* of the United Brethren called Moravians, *as the case* "*may be*,] and entertaining conscientious objections to the taking of an oath, do solemnly, "sincerely, and truly declare and affirm."

The 7 & 8 Wm. 3, cap. 34 (recited in this Act) allowed the solemn affirmation of a Quaker to be received on all occasions except on criminal trials.

By various enactments in this collection it is prescribed that the solemn affirmation of a Quaker is to be taken in the cases referred to in place of the oath required from others. The 3 & 4 Wm. 4, cap. 42, allowed of the substitution of the solemn affirmation or declaration of a Quaker in all cases where an oath might be required, either by common law or Act of Parliament. The same privilege, and to the like extent, was by that Act afforded to Moravians, and by 3 & 4 Wm. 4, cap. 82, to the people called Separatists.

## 1 & 2 VICTORIÆ. Cap. XCVII.

AN ACT *for imposing Rates of Postage on the conveyance of Letters by Packet Boats between Places in the Mediterranean and other Parts.*

[14*th August* 1838.]

Rates of postage to be charged.

II. And be it enacted, that the rates of postage herein-after set forth shall be charged by her Majesty's Postmaster-general, for the use of her Majesty, on letters transmitted by packet boats between the places herein-after mentioned; (that is to say,)

For every single letter (not having been first brought or conveyed from the United Kingdom, or not being intended to be conveyed to the United Kingdom,) transmitted by packet boat between any of the ports or islands or places situate upon the Mediterranean Sea, the Adriatic Sea, the Archipelago, and Black Sea, in Turkey in Europe and Asia, in Spain, Portugal, Italy, France, in the Mediterranean, and upon the Northern Coast of Africa, whether in the Mediterranean or the Straits of Gibraltar, the sum of sixpence; and for every single letter (not having been first brought or conveyed from the United Kingdom, or not being intended to be sent to the United Kingdom), transmitted between any of the ports, islands, or places aforesaid, and any port or place in the East-Indies by way of the Red Sea or the Persian Gulf, in addition to any other rates of postage which may be payable in respect of such last-mentioned letters, the sum of sixpence; and that every such letter consisting of one sheet or a single piece of paper, under the weight of one ounce, shall be charged as a single letter, and every letter consisting of two sheets or pieces of paper, or containing any inclosure, shall be charged with double the rate of a single letter, and every letter consisting of three sheets or three pieces of paper, or containing two inclosures, shall be charged with treble the rate of a single letter; and no letter shall be charged at a higher rate than a treble letter, unless it be one ounce in weight, and in that case, whether it be a single, double, or treble letter, it shall be charged for one ounce four times the postage of a single letter, and for every quarter of an ounce beyond that weight the postage of a single letter.

[By Treasury warrant 27th December 1839, it is directed that on all letters not exceeding half an ounce in weight between any ports, islands, or places out of the United Kingdom, there be charged the like rates of British postage as were by law then payable in respect to single letters so transmitted (letters on which uniform rates of postage between any such places were legally payable being still liable to and charged therewith) and that on every letter exceeding half an ounce (excepting those subject to uniform rate) there be charged additional rates according to the gradation referred to in note on section 13 of 1 Vic. cap. 34.]

## 1 & 2 VICTORIÆ. Cap. CVI.

AN ACT *to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.*

[14*th August* 1838.]

Certain persons exempt from penalties for non-residence.

XXXVII. And be it enacted, that no spiritual person, being Head Ruler of any College or Hall within either of the Universities of Oxford or Cambridge, or being Warden of the University of Durham, or being Head Master of Eton, Winchester, or Westminster School, or Principal or any Professor of the East-India College, having been appointed such Principal or Professor before the time of the passing of this Act, and not having respectively more than one benefice with cure of souls, shall be liable to any of the penalties or forfeitures in this Act contained for or on account of non-residence on any benefice.

---

## 1 & 2 VICTORIÆ. Cap. CX.

AN ACT *for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for amending the Laws for the Relief of Insolvent Debtors in England.*

[16*th August* 1838.]

Where the prisoner is beneficially entitled to stock, the Court may order a transfer.

LIV. And be it enacted, that if any such prisoner shall at the time of filing such petition as aforesaid, whether such petitions shall have been preferred by himself or by any such creditor as aforesaid, or at any time before such prisoner shall become entitled to his final discharge according to this Act, have any Government stocks, funds, or annuities, or any of the stock of any public company, either in England, Scotland, or Ireland, standing in his own name in his own right, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall deem fit so to do, to order all persons whose act or consent is thereto necessary to transfer the same into the name of such assignee or assignees as aforesaid; and all such persons whose act or consent is so necessary as aforesaid are hereby indemnified for all things done or permitted pursuant to such order.

Assignees' power not to extend to the pay or pension of naval, military, or civil officers.

LVI. And be it enacted, that nothing in this Act contained shall extend to entitle the assignee or assignees of the estate and effects of any such prisoner, being or having been an officer of the army or navy, or an officer or clerk, or otherwise employed or engaged in the service of her Majesty, in the Customs or Excise, or any civil office, or other department whatsoever, or being or having been in the naval or military service of the East-India Company, or an officer or clerk or otherwise employed or engaged in the service of the Court of Directors of the said Company, or being otherwise in the enjoyment of any pension whatever under any department of her Majesty's Government or from the said Court of Directors, to the pay, half-pay, salary, emoluments, or pension of any such prisoner, for the purposes of

this Act: provided always, that it shall be lawful for the said Court to order such portion of the pay, half-pay, salary, emoluments, or pension of any such prisoner, as on communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief officer of the department to which such prisoner may belong or have belonged, or under which such pay, half-pay, salary, emoluments, or pension may be enjoyed by such prisoner, or the said Court of Directors, he or they may respectively, under his or their hands or under the hand of his or their chief secretary, or other chief officer for the time being, consent to in writing, to be paid to such assignee or assignees, in order that the same may be applied in payment of the debts of such prisoner; and such order and consent being lodged in the office of her Majesty's Paymaster-general, or of the Secretary of the said Court of Directors, or of any other officer or person appointed to pay, or paying, any such pay, half-pay, salary, emoluments, or pension, such portion of the said pay, half-pay, salary, emoluments, or pension as shall be specified in such order or consent shall be paid to the said assignee or assignees, until the said Court shall make order to the contrary.

Portion of pay or pension may be obtained on application.

CXIX. And be it further enacted, that from and after the passing of this Act no prisoner for debt shall petition any Court for his or her discharge under the provisions of an Act passed in the thirty-second year of the reign of his late Majesty King George the Second, intituled, "An Act for the Relief of Debtors with respect to the Imprisonment of their Persons, and to oblige Debtors who shall continue in Execution in Prison beyond a certain Time, and for Sums not exceeding what are mentioned in the Act, to make Discovery of and deliver upon Oath their Estates for the Creditors Benefit;" nor shall any creditor of any prisoner petition any Court for the exercise of the compulsory powers given against debtors under the provisions of the Act above mentioned. (1)

Prisoners for debt or their creditors, not to petition any Court, for certain purposes, under 32 G. 2, c. 28.

(1) [See note on 39 & 40 Geo. 3, cap. 79, sec. 23.]

---

## 1 & 2 VICTORIÆ. Cap. CXIII.

### An Act *to amend the Laws relating to the Customs.*

[16*th August* 1838.]

XI. And whereas by one other of the said Acts, intituled, "An Act for the registering of British Vessels," it is among other things enacted, that every person who shall apply for a certificate of registry for any ship or vessel shall be required to produce to the person authorized to grant such certificate a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination of and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser thereof: and whereas it frequently occurs that by reason of the death of such builder or some other unavoidable cause such certificate cannot be produced; be it therefore enacted, that in all such cases as aforesaid, on proof being made to the satisfaction of the Commissioners of Her Majesty's Customs of all the particulars required as aforesaid, they are hereby authorized to dispense with the account required under the hand of the builder, and to allow the certificate of registry to be granted.

Commissioners of Customs may, in the absence of the builder's certificate of ships and vessels, receive proof of the particulars required in such certificate.

Owners of British vessels to give notice to collectors of Customs at the port of registry of the loss, &c. of such vessels;

XII. And whereas it is expedient that true information should be had at every port in Her Majesty's dominions whether all the vessels registered at such port are actually in existence and entitled to the privileges of British registered ships, or not; be it therefore enacted, that the person or persons registered as owner or owners of any British ship or vessel which shall have been lost, or taken by the enemy, or burnt, or broken up, or otherwise prevented from returning to the port to which such ship or vessel belongs, or which shall on any account have lost or forfeited the privileges of a British ship, shall immediately upon obtaining knowledge of any of the circumstances aforesaid give notice in writing of such circumstances to the collector or controller of the Customs at the port of registry of such ship or vessel.

or if vessels absent from the port of registry for three years to state cause.

XIII. And be it enacted, that in all cases where any British registered ship or vessel shall have been absent from the port of registry for the space of three years, the person or persons registered as the owner or owners of such ship or vessel shall in like manner give notice in writing to the collector or controller of the Customs at such port, stating therein the cause of such absence, and that the said vessel has not forfeited her privileges as a British ship.

Failing to give such notices, &c. to forfeit 5*l*.

XIV. And be it enacted, that every such owner or owners failing to give such notice in either of the cases aforesaid, or making any untrue statement in respect of any such ship or vessel, shall forfeit the sum of five pounds.

East-India sugar warehoused at the Cape of Good Hope and imported from thence.

XVIII. And be it enacted, that if any sugar or coffee the produce of any British possession within the limits of the East-India Company's Charter shall have been imported into the Cape of Good Hope from the place of its production, accompanied by such a certificate of origin as would be sufficient for its admission in the United Kingdom at the low rate of duty, and shall have been warehoused at the Cape of Good Hope, under the regulations there in force for the warehousing of goods, and shall have been exported from such warehouse, accompanied by a certificate from the proper officer of the Customs at the Cape of Good Hope, setting forth the particulars of the importation and of the warehousing and of the exportation of the same, and also setting forth the substance of the certificate of origin before mentioned, and if on the arrival in the United Kingdom of the ship importing such sugar or coffee the master of such ship shall deliver to the collector or controller at the port of importation such certificate from the officer of the Customs at the Cape of Good Hope, and shall make a declaration before such collector or controller that such certificate was received by him at the Cape of Good Hope, and that the sugar or coffee so imported is the same as is mentioned therein, then such sugar or coffee shall be admitted at such port of importation in the United Kingdom at the same rate of duty as would be payable if the same had been imported direct from the place of its production.

Coffee, the produce of British possessions within the limits of the East-India Company's Charter, may be imported into the British possessions in the West-Indies, and into the Mauritius; certificate of origin of such coffee required.

XXIV. And be it enacted, that so much of the said Act for regulating the trade of the British possessions abroad as prohibits coffee the production of British possessions within the limits of the East-India Company's Charter from being imported into any of the British possessions in the West-Indies and into the Island of Mauritius shall be repealed: provided always, that no coffee shall be entered in any British possession in the West-Indies or in the Island of Mauritius as being the produce of any British possession within the limits of the East-India Company's Charter when imported from such possessions, unless the master of the ship importing the same shall have delivered to the collector or controller a certificate under the hand and seal of the proper officer at the place where such coffee was taken on board, testifying that a declaration in writing had been made and signed before him (the contents of which he had examined and believed to be true) by the shipper of such coffee,

that the same was really and *bonâ fide* the produce of some such British possession, nor unless such master shall make and subscribe a declaration before the collector or controller, that such certificate was received by him at the place where such coffee was taken on board, and that the coffee so imported is the same as is mentioned therein.

Goods the produce of certain countries may be imported, and admitted to entry in the United Kingdom.

XXX. And whereas by one other of the said first-mentioned Acts, intituled, "An Act for the Encouragement of British Shipping and Navigation," it is enacted, that goods the produce of Asia, Africa, or America, shall not be imported from Europe for consumption in the United Kingdom, except in certain cases: and whereas by the said Act it is provided that goods the produce of Asia or Africa, which have been brought into places in Europe within the Straits of Gibraltar from or through places in Asia or Africa within those straits, and not by way of the Atlantic Ocean, may be imported from such ports in Europe in British ships: and whereas treaties beneficial to British shipping may be made with countries having ports within the Straits of Gibraltar if Her Majesty were empowered to authorize the importation of such goods from such ports in the ships of such countries respectively; be it therefore enacted, that in case any treaty shall be made with any such country, stipulating that such productions of Asia or Africa shall be imported from the ports of such country in the ships of the same as well as in British ships, such goods so imported shall in virtue of such treaty be admitted to entry in the United Kingdom, to be used and consumed therein, any thing in the said Act of navigation to the contrary notwithstanding.

(1) [Alterations in rate of duty made by this Act are referred to in the note at the end of 3 & 4 Wm. 4, cap. 59.]

---

## 2 & 3 VICTORIÆ. Cap. V.

AN ACT *for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.* [19*th April* 1839.]

An Act under this title and having the same objects is passed annually. The period fixed for the expiration of the present Act in various parts of the world will be found in section 80. A general Act exists for the troops of the East-India Company, (4 Geo. 4, cap. 81,) but it has no operation in the United Kingdom.

Composition of general courts-martial.

VI. And be it enacted, that a general court-martial convened in any part of the Queen's dominions, (Bermuda, the Bahamas, Saint Helena, Africa, and the Australian colonies excepted,) or in the settlements of the East-India Company, shall consist of not less than thirteen commissioned officers; if convened in Bermuda or the Bahamas, or out of the Queen's dominions, excepting Saint Helena, Africa, and the Australian colonies, shall consist of not less than seven, and in Saint Helena, Africa, and the Australian colonies of not less than five commissioned officers; and no judgment of death shall pass without the concurrence of two-thirds at the least of the officers present; and the president shall in no case be the officer commanding-in-chief or governor of the garrison where the offender shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain.

Powers of general courts-martial.

VII. And be it enacted, that a general court-martial may sentence any soldier to imprisonment, with or without hard labour, in any public prison, or other place which the Court or the officer commanding the regiment or corps to which the offender belongs or is attached shall appoint, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at a time or three months at different times, with intervals of not less than one month between such times in one year, or of such imprisonment with hard labour, or may sentence any soldier to corporal punishment, not extending to life or limb, for immorality, misbehaviour, and neglect of duty; and a general court-martial may, in addition to any such punishment as aforesaid, sentence any offender to forfeiture of all advantage as to additional pay, and pension on discharge; and whensoever any general court-martial by which any soldier shall have been tried and convicted of any offence punishable with death shall not think the offence deserving of capital punishment, such court-martial may, instead of awarding a corporal punishment or imprisonment, adjudge the offender, according to the degree of the offence, to be transported as a felon for life or for a certain term of years, or may sentence him to general service as a soldier in any corps and in any country or place which her Majesty shall thereupon direct, or may, if such offender shall have enlisted for a limited term of years, sentence him to serve for life as a soldier in any corps which her Majesty shall please to direct; and the Court may, in addition to any other punishment, sentence such offender to forfeit all advantage as to increase of pay, or as to pension on discharge, which might otherwise have accrued to such offender; provided that in all cases where a capital punishment shall have been awarded by a general court-martial it shall be lawful for her Majesty, or, if in the East-Indies, for the officer commanding-in-chief the forces at the Presidency to which the offender shall belong, instead of causing such sentence to be carried into execution, to order the offender to be transported as a felon, either for life or for a certain term of years, as shall seem meet to her Majesty, or, if in the East-Indies, to the officer commanding as aforesaid.

Mixture of officers upon courts-martial.

XIII. And be it enacted, that in certain cases, where it may be necessary or expedient, officers of her Majesty's marine forces may sit upon courts-martial in conjunction with officers of her Majesty's land forces, and such Courts-martial shall be regulated, to all intents and purposes, in like manner as if they were composed of officers of the land forces only, whether the commanding officer by whose order such court-martial is assembled belongs to the land or to the marine forces; and officers of her Majesty's land forces and officers in the service of the East-India Company, when serving together, may be associated in courts-martial, which shall, to all intents and purposes, be regulated in like manner as if consisting wholly of officers of her Majesty's land forces, or wholly of officers in the service of the East-India Company; save and except that on the trial of any person in her Majesty's land forces, the provisions of this Act, and the oaths thereby prescribed, shall be applicable; and that on the trial of any person belonging to her Majesty's marine forces, the provisions of an Act passed in the present session of Parliament for the regulation of her Majesty's royal marine forces while on shore, and the oaths thereby prescribed, shall be applicable; and on the trial of any officer or soldier in the service of the East-India Company the provisions of an Act passed in the fourth year of the reign of his Majesty King George the Fourth, to amend the laws for punishing mutiny and desertion of officers and soldiers in the service of the East-India Company, and the oaths thereby prescribed, shall be applicable, notwithstanding any officer in the actual service of the said Company may have a commission from her Majesty or from his late Majesty King William the Fourth.

Proceedings of courts-martial.

XV. And be it enacted, that in all trials by general courts-martial to be held by virtue of this Act, the president and every member assisting at such trial, before any proceeding be had thereon, shall take the oath in the schedule to this Act annexed, before the judge advocate or his deputy, or person officiating as such, and on trials by other courts-martial before the president of such court, who are hereby respectively authorized to administer the same, and any sworn member shall administer the oath to the president, and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East-Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon: provided also, that all witnesses duly summoned by the judge advocate, or the person officiating as such, or by the president of a district or garrison court-martial, shall during their necessary attendance in such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the Court out of which the writ or process issued by which such witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in London or in Dublin, or the Court of Session in Scotland, or Courts of Law in the East or West-Indies or elsewhere, according as the case shall require, upon its being made to appear to such Court or judge, by any affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and that all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or, being sworn, shall refuse to give evidence or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in London or Dublin, or the Court of Session, or sheriff depute, or stewarts depute, or their respective substitutes, within their several shires and stewartries in Scotland, or Courts of Law in the East or West-Indies, or in any of her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness had neglected to attend in a trial in any proceeding in that Court.

Transportation from the colonies.

XIX. And be it enacted, that whenever any sentence of transportation heretofore or hereafter passed by any court-martial holden in the East-Indies, or in any part of her Majesty's foreign dominions, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death has been or shall as aforesaid be commuted to transportation, the same shall be notified by the officer commanding-in-chief her Majesty's forces at the presidency or station, or in his absence by the adjutant-general for the time being to some judge of one of the Supreme Courts of Judicature in the East-Indies, or chief justice, or some other judge, as the case may be, in any part of her Majesty's foreign dominions, who shall make order for the transportation or intermediate custody of such offender, in like manner as for the transportation or intermediate custody of any other convict; and the necessary proceedings shall be taken, according to such order, for the transportation or intermediate custody of such offender; and all Acts in force in such place touching other offenders to be transported shall in all respects apply as well to the offender himself so to be transported as to all other persons whatsoever therein concerned.

Fraudulent confession of desertion.

XXIII. And be it enacted, that any person who shall voluntarily deliver himself up as a deserter from her Majesty's forces, or the embodied militia, or the forces of the East-India Company, or who, upon being apprehended for any offence, shall, in the presence of the jus-

tice, confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a soldier, and shall be liable to serve in any of her Majesty's forces, as her Majesty shall think fit to appoint, whether such person shall have been ever actually enlisted as a soldier or not; and in case such person shall not be a deserter from the regiment stated in such confession he shall be liable to be punished as a rogue and vagabond, or may be prosecuted and punished for obtaining money under false pretences; and the confession and receiving subsistence as a soldier by such person shall be evidence of the false pretence and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or as a rogue and vagabond for making a fraudulent confession of desertion, such former conviction may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, or as a rogue and vagabond for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the former offence, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if the person so confessing himself to be a deserter shall be serving at the time in any of her Majesty's forces, he shall be deemed to be and shall be dealt with as a deserter.

Persons subject to this Act.

XXXII. And be it enacted, that all the provisions of this Act shall apply to all persons employed on the recruiting service receiving pay in respect of such service, and to the forces of the East-India Company while they shall be in any part of the United Kingdom, and until their arrival in the territories of the East-India Company,(1) and to the officers and persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to master gunners and gunners, and conductors of stores, and to all officers and persons who are or shall be serving in the regiment of Royal Engineers and the corps of Royal Sappers and Miners, and in the corps of Royal Military Surveyors and Draftsmen, and to persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any part of her Majesty's forces, at home or abroad, under the command of any officer having commission from her Majesty, or from his late Majesty King William the Fourth, and to all storekeepers and other civil officers who are or shall be employed by or act under the Ordnance at any of her Majesty's ordnance establishments at foreign stations; provided that nothing in this Act contained shall extend to affect any security which has been given by such storekeeper, barrack-master, or other officer, or their sureties, for the due performance of their respective offices, under the provisions of an Act passed in the fiftieth year of the reign of his Majesty King George the Third, to regulate the taking of securities in all offices, but that such bonds and other securities shall be and remain in full force and effect.

(1) [The 4 Geo. 4, cap. 81, (" An Act to consolidate and amend the Laws for punishing Mutiny and Desertion in the Service of the East-India Company.") Sec. 47 enacted that all officers and soldiers enlisted or transferred to the service of the Company, and all officers and soldiers

proceeding in charge of or doing duty with such enlisted or transferred officers or soldiers, should from and after their embarkation for the place to which they might be sent in the service of the Company, be during their passage subject to all the provisions and regulations of that Act (4 Geo. 4, cap. 81.)]

Enlisting and swearing of recruits.

XXXVI. And be it enacted, that every person who shall receive enlisting money from any person employed in the recruiting service, he being an officer, non-commissioned officer, or an attested soldier, shall be deemed to be enlisted as a soldier in her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billetted; and every person who shall enlist any recruit shall first ask the person offering to enlist whether he does or does not belong to the militia, and shall cause to be taken down, in writing, the name and place of abode of such recruit; and (if such recruit shall not reside in or in the vicinity of the town or place where he offered to enlist) the place also at which he shall declare that he intends to sleep, in order that within forty-eight but not sooner than twenty-four hours, any intervening Sunday not included, after his having received the enlisting money, notice of his having so enlisted be given to the recruit or left at his usual place of abode, or at the place where he stated that it was his intention to sleep; and when any person shall be enlisted as a soldier in her Majesty's land service he shall within four days, any intervening Sunday not included, but not sooner than twenty-four hours after such enlisting, appear, together with some person employed in the recruiting service of the party with which he shall have enlisted, before a justice, or, in Scotland, before any baillie of a royal burgh, residing within the vicinity of the place, and acting for the division or district where such recruit shall have been enlisted, and not being an officer in the army; and if such recruit shall declare his having voluntarily enlisted, the said justice shall put to him the several questions contained in the schedule to this Act annexed, and shall record, or cause to be recorded in writing his answers thereunto; and the said justice is hereby required forthwith to cause the answers so recorded in writing, and the first and second articles of the second section of the Articles of War against mutiny and desertion, to be read over in his own presence to such recruit, and to administer to such recruit the oath in the schedule to this Act annexed for limited or unlimited service, or for service in the forces of the East-India Company, as may be applicable to the case of the recruit, and no other oaths, any thing in any Acts to the contrary notwithstanding; (1) and the said justice is hereby required to give, under his hand, the certificate in the schedule to this Act annexed; and if any such recruit so to be certified shall refuse to take the oath in the schedule to this Act annexed before the said justice, it shall be lawful for the officer or non-commissioned officer with whom he enlisted to detain and confine such person until he shall take the said oath of fidelity.

(1) [The 50 Geo. 3, cap. 87, prescribes other oaths, the administration of which is thus suspended during the continuance of this Act.]

Dissent and relief from enlistment.

XXXVII. And be it enacted, that any recruit appearing as aforesaid before such justice shall be at liberty to declare his dissent to such enlisting, and upon such declaration, and returning the enlisting money, and also paying the sum of twenty shillings for the charges expended upon him, together with the full amount of subsistence and beer money which shall have been paid to such recruit subsequent to the period of his having been enlisted, shall be forthwith discharged and set at liberty in the presence of such justice; but if such person

shall refuse or neglect, within the space of twenty-four hours after so declaring his dissent, to return and pay such money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his assent thereto before the said justice: provided also, that it shall be lawful for any justice to discharge any person who shall have hastily enlisted, and who shall apply to him to declare his dissent within such four days as aforesaid, upon the payment of the sum of money required to be paid by any recruit declaring his dissent under this Act, notwithstanding no person belonging to the recruiting party shall be with the recruit, if it shall appear to such justice upon proof to his satisfaction, that the recruiting party has left the place where such recruit was enlisted, or that the recruit could not procure any person belonging to such party to go with him before the justice; and the sum paid by such recruit upon his discharge shall be kept by the justice, and paid to any person belonging to the recruiting party entitled thereto demanding the same; provided that no recruit who has been actually, though erroneously, discharged by the justice before the expiration of twenty-four hours after the time of his enlistment shall be liable on that account to be proceeded against as having deserted from her Majesty's service; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit specifying the cause thereof.

Offences connected with enlistment.

XXXVIII. And be it enacted, that if any recruit shall receive the enlisting money from any person employed in the recruiting service (knowing it to be such), and shall abscond or refuse to go before such justice, or shall thereafter absent himself from the recruiting party or person with whom he enlisted, and shall not voluntarily return to go before some justice within such period of four days as aforesaid, such recruit shall be deemed to be enlisted and a soldier in her Majesty's service, as fully to all intents and purposes as if he had been duly attested, and may be apprehended and punished as a deserter, or for being absent without leave, under any Articles of War made for punishment of mutiny and desertion; and such recruit shall not be discharged by any justice of the peace after the expiration of such four days as aforesaid, unless it shall be proved to the satisfaction of such justice that the true name and residence of the recruit were disclosed and known to the recruiting party, and that no notice was given to the recruit, or left at his usual place of abode of his having so enlisted; provided that in every case wherein any recruit shall have received enlisting money, and shall have absconded from the party, so that it shall not be possible immediately to apprehend and bring him before a justice, the officer or non-commissioned officer commanding the party shall produce to the justice before whom the recruit ought regularly to have been brought for attestation a certificate of the name and place of residence of such recruit; and the justice to whom such certificate shall be produced shall, after satisfying himself that the recruit who had absconded cannot be found and apprehended, transmit a duplicate thereof to her Majesty's Secretary at War, in order that, in the event of such recruit being afterwards apprehended and reported as a deserter, the facts of his having received enlisting money, and having absconded after having been enlisted, may be ascertained, before he be finally adjudged to be a deserter; and any recruit who shall enlist into her Majesty's forces, and who shall be discovered to be incapable of active service by reason of any infirmity concealed or not declared by such recruit before the justice at the time of his attestation, may be transferred into any garrison or veteran or invalid battalion or company, or into her Majesty's marine forces, notwithstanding he shall have enlisted for any particular regiment, and shall be entitled to receive such proportion or residue of bounty only as her Majesty may allow in that behalf, instead of the bounty upon which such man shall have been enlisted, any thing in any Act or Acts, or any rules and regulations relating to soldiers, to the contrary notwithstanding; and it shall be lawful for any two justices before whom such recruit shall be

brought, and who shall be proved upon oath, before them, to have concealed his having been a soldier and discharged, or to have concealed his having been discharged upon any prior enlistment, or to have wilfully concealed any such infirmity upon being attested, or to have designedly made any false representation as aforesaid, to adjudge such person to be a rogue and vagabond, and to sentence him to such punishment as by any law in force may be inflicted upon rogues and vagabonds and vagrants and incorrigible rogues; and any recruit who shall designedly make any false representation of any particular contained in the oaths and certificates in the schedule to this Act annexed, before the justice, at the time of his attestation, and shall obtain any enlisting money or bounty for entering into her Majesty's service or any other money, shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England, of an Act, intituled, "An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith;" and if in Ireland, of an Act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled, "An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith;" and the production of such certificate, and proof of the handwriting of the justice giving such certificate, shall be sufficient evidence of such party having represented the several particulars contained in the oath sworn by him, and specified in the certificate of the justice at the time of his being attested; and that proof by the oath of one or more credible witnesses that the person so prosecuted hath voluntarily acknowledged that at the time of his enlistment he belonged to the militia, or to any regiment in her Majesty's service, or to her Majesty's ordnance, navy, or marines, shall be deemed and taken as evidence of the fact so by him acknowledged, without production of any roll or other document to prove the same; and such proof of such acknowledgment shall be certified to the Secretary at War by the justice before whom such proof shall have been given; and any man having been enrolled to serve in the militia at the time of offering to enlist who shall deny that he is a militia man then actually enrolled and engaged to serve, or shall deny to the justice before whom he shall be attested that he belongs to the militia, shall, on conviction thereof before any one justice in the United Kingdom, either upon oath of one witness or upon his own confession, or upon the production of the attestation, and the before-mentioned acknowledgment of such person, certified by the Secretary at War or Deputy Secretary at War, be committed to the common gaol or house of correction, there to remain without bail or mainprize for and during any time not exceeding six calendar months, over and above any penalty or punishment to which such person so offending may be otherwise liable, and shall from the day on which his engagement to serve in the militia shall end, and not sooner, belong as a soldier to the corps of her Majesty's regular forces, or of the East-India Company's forces, into which he shall have so enlisted; provided that every such person shall be liable to serve within the United Kingdom of Great Britain and Ireland, in any regiment, battalion, or corps of her Majesty's regular forces, or of the East-India Company's forces, in which he has so enlisted, during all the time the militia to which he shall belong shall remain disembodied, or shall not be called out for training or exercise, and shall during all such time be subject to all the provisions of this Act, and liable to be apprehended and dealt with and punished as a deserter from the corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such corps as aforesaid.

7 & 8 G. 4, c. 29.

9 G. 4, c. 55.

Penalty on officers offending against laws regarding enlistment.

XXXIX. And be it enacted, that every military officer who shall act contrary to the provisions of this Act in any respect regarding the enlisting and attesting of recruits of her Majesty's service, or for the service of the East-India Company, shall, upon proof thereof

upon oath by two witnesses before a general Court-martial, be cashiered, and disabled to hold any civil or military office or employment in her Majesty's service.

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

XLII. And be it enacted, that any person duly bound as an apprentice, who shall enlist as a soldier in her Majesty's or the East-India Company's service, and shall state to the magistrate before whom he shall be carried, and attested that he is not an apprentice, shall be deemed guilty of obtaining money under false pretences within the true intent and meaning of the before-recited Acts, and shall, after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in any of her Majesty's regular forces, or in the forces of the East-India Company, according to the terms of the enlistment; and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorized to receive recruits, may be taken as a deserter from her Majesty's forces.

Claims of masters to apprentices.

XLIII. And be it enacted, that no master shall be entitled to claim an apprentice, who shall enlist as a soldier in her Majesty's or the East-India Company's service, unless he shall, within one calendar month after such apprentice shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; and unless such apprentice shall have been bound, if in England, for the full term of seven years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him, specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign; and unless such apprentice shall, when claimed by such master, be under twenty-one years of age; provided that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than seven, five, or four years, as aforesaid; and any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice, shall be entitled to receive to his own use so much of the bounty payable to such recruit, after deducting therefrom two guineas to provide him with necessaries, as shall not have been paid to such recruit before notice given of his being an apprentice.

Punishment of apprentices enlisting.

XLIV. And be it enacted, that no apprentice claimed by his master shall be taken from any corps or recruiting party, but under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, before whom he shall be carried, and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared

that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the said place, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next, or at the sessions immediately succeeding the next general or quarter sessions of the county, division, or place, unless the Court shall on just cause put off the trial; and the production of the indenture, with the certificate of the justices that the same was proved, shall be sufficient evidence of the said indenture; and every such offender, in Scotland, may be tried by the judge ordinary, in the county or stewartry, in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment; provided that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

How and where troops may be billetted.

LII. And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burthened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to his Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and three pence, for paying and disbanding the forces, it is declared and enacted, that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billetting whatsoever: and whereas by an Act passed in Ireland in the sixth year of the reign of Queen Anne, intituled, "An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, should at any time thereafter be allowed any quarters in any part of Ireland, save only during such time as he or they should be and remain in some seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army should be commanded to march from any part of Ireland to another: but forasmuch as at this time, during the continuance of this Act, there is and may be occasion for the marching and quartering of regiments, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, be it enacted, that it shall be lawful for all constables of parishes and places, and other persons specified in this Act, in England and Ireland, and they are hereby required, to billet the officers and soldiers in her Majesty's service, and persons receiving pay in her Majesty's army, and the horses belonging to her Majesty's cavalry, and also all staff and field officers' horses, and all bât and baggage horses belonging to any of her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in any one house, except only in case of billetting cavalry as specially provided); and that they shall be received by the occupiers of such houses in which they are so allowed to be billetted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billetted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in England with diet and small beer, and with stables, hay, and straw for such horses as aforesaid,

6 Ann. (I.)

paying and allowing for the same the several rates hereinafter provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billetted above one mile from the place mentioned in the route; and in all places where cavalry shall be billetted in pursuance of this Act, the men and their horses shall be billetted in one and the same house, except in case of necessity; and in no other case whatsoever shall there be less than one man billetted where there shall be one or two horses, nor less than two men where there shall be four horses, and so in proportion for a greater number; and in no case shall a man and his horse be billetted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march in a just and equal proportion upon the keepers of all houses within one mile of the place mentioned in the route, although some of such houses may be in the adjoining county, in like manner in every respect as if such houses were locally situate within such place; provided that nothing herein contained shall be construed to extend to authorize any constable to billet soldiers out of the county to which such constable belongs, when the constable of the adjoining county shall be present and undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billetted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billetted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such soldiers are billetted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billetted upon other persons, as they shall see cause; and when any of her Majesty's cavalry or any horses as aforesaid shall be billetted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act, who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables by this Act liable to have officers and soldiers billetted upon them; and upon complaint being made by the person or persons to whose house or stables the said men and horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billetted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billetted in any place with another man or horse billetted in the same place, for the benefit of the service, provided the number of men and horses do not exceed the number at that time billetted on such houses; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that, to prevent or punish all abuses in billetting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constable, together with the names of the persons upon whom such officers and soldiers are billetted, stating the street or place where such persons dwell, and the sign, if any, belonging to those houses; and it shall be lawful to billet officers and soldiers in Scotland according to the provisions of the laws in force in Scotland at the time of its union with England; and no officer shall be

obliged to pay for his lodging where he shall be regularly billetted, except in the suburbs of Edinburgh.(1)

(1) [By 50 Geo. 3, cap. 87, sec. 3, all the powers, authorities, provisions, &c., in any Act of Parliament in force for the time being, relating to the quartering, billetting, and provisioning of soldiers and officers of the Crown and to allowances in respect thereof, as well as to the providing of carriages for the use of such soldiers, are extended to soldiers enlisted for or transferred to the service of the Company.]

Supply of carriages.

LVII. And be it enacted, that for the regular provision of carriages for her Majesty's forces, and their baggage in their marches, in England and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from her Majesty, or the General of her forces, or the Master-general or Lieutenant-general of her Majesty's ordnance, or other person duly authorized in that behalf, shall, on production of such order to such justices by some officer or non-commissioned officer of the regiment so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march (for each of which warrants the fee of one shilling only shall be paid), requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burthen of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of the number and description of their said carriages (which list shall at all seasonable hours be open to the inspection of the said persons), and may by warrant under his hand authorize the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.(1)

(1) [See note on section 52.]

Penalty on unlawful recruiting.

LXVII. And be it enacted, that all the persons (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or East-India Company's service, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from

the Adjutant-general, or from the Directors of the East-India Company (as the case may be), shall forfeit for every such offence the sum of twenty pounds.

Duration of Act.

LXXX. And be it enacted, that this Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and thirty-nine inclusive until the twenty-fifth day of April one thousand eight hundred and forty; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and thirty-nine inclusive until the first day of May one thousand eight hundred and forty; and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and thirty-nine inclusive until the first day of August one thousand eight hundred and forty; and shall be and continue in force in all other parts of Europe where her Majesty's forces may be serving, and in the West-Indies and America, from the first day of September one thousand eight hundred and thirty-nine inclusive until the first day of September one thousand eight hundred and forty; and shall be and continue in force within the Cape of Good Hope, the Isle of France or Mauritius and its dependencies, Saint Helena, and the western coast of Africa, from the first day of January one thousand eight hundred and forty inclusive to the first day of January one thousand eight hundred and forty-one; and shall be and continue in force in all other places from the first day of February one thousand eight hundred and forty-one inclusive to the first day of February one thousand eight hundred and forty-two: provided that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of her Majesty's dominions beyond the seas, become and be in full force; any thing herein-before contained to the contrary notwithstanding.

---

## SCHEDULES to which this Act refers.

### QUESTIONS to be put separately by the JUSTICE to a RECRUIT.

### *Enlisting for unlimited Service.*

1. What is your name?
2. In what parish, and in or near what town, and in what county were you born?
3. What is your age?
4. What is your trade or calling?
5. Are you an apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to fits; or have you any disability or disorder which impedes the free use of your limbs, or unfits you for ordinary labour?
8. Are you willing to be attested to serve in the regiment of until you shall legally be discharged?
9. On what day and by whom were you enlisted?
10. For what bounty did you enlist?
11. Do you now belong to the militia?

12. Do you belong to any other regiment, or to the marines, ordnance, or navy?
13. Have you ever served in the army, marines, ordnance, or navy?

*Note.*—The Justice is directed, in putting the eleventh question to the recruit, and before he receives his answer, distinctly to apprise the recruit that if he belongs to the militia, and denies the fact, he is liable to six months' imprisonment.

---

*Enlisting for either her Majesty's or the East-India Company's Service.*

Question 8 is to be put by the Justice as follows:

8. Are you willing to be attested to serve in her Majesty's army, or in the forces of the East-India Company, according as her Majesty shall think fit to order, until you shall be duly and legally discharged?

---

*Enlisting for the East-India Company's Service.*

Question 8 to be put by the Justice as follows:

8. Are you willing to be attested to serve the East-India Company until you shall be legally discharged? [*Or if the recruit enlist for limited service, then insert* for the period of twelve years, (*if the person enlisting is of the age of eighteen years or upwards; but if under eighteen years, then the difference between his age and eighteen to be added to such twelve years, as the case may be, and such period to be inserted instead of twelve years*), provided the said Company should so long require your service?]

---

Oath to be taken by a Recruit enlisting for unlimited or limited Service.

I, do make oath, that the above questions have been separately put to me; that the answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also make oath, that I will be faithful and bear true allegiance to her Majesty, her heirs and successors, and that I will, as in duty bound, honestly and faithfully defend her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of her Majesty, her heirs and successors, and of the generals and officers set over me. So help me God.

Witness my hand

_____ Signature of Recruit.

_____ Witness present.

Sworn before me at this day of one thousand eight hundred and

Signature of Justice. _____

*If enlisting for either her Majesty's or the East-India Company's Service, the following Addition is to be made to the foregoing Oath:*

And that if her Majesty, her heirs or successors, shall please to appoint me to serve in the forces of the East-India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

---

*If enlisting for the East-India Company's Service, the following is to be added to the Oath:*

And that I will also be true to the said Company, and will duly observe and obey all their orders, and the orders of their generals and officers who shall be lawfully set over me.

---

CERTIFICATE to be given by the Justice.

*Description of*

Age apparently,
Height, Feet, Inches.
Complexion,
Eyes,
Hair,

*Any distinctive Mark.*

to wit, } I one of her Majesty's justices of the peace of do hereby certify, that the above is the description of the recruit and in my presence all the foregoing questions were put to the said ; that the answers written opposite to them are those which he gave to me; and that the first and second articles of the second section of the Articles of War were read over to him; that he took the oath of allegiance and fidelity; that he received the sum of on being attested this day; and that I have given him a duplicate of this certificate signed with my name.

_____ Signature of the Justice.

## 2 & 3 VICTORIÆ. Cap. XXI.

AN ACT *for granting to her Majesty, until the Fifth Day of July one thousand eight hundred and forty, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year one thousand eight hundred and thirty-nine.* [4*th July* 1839.]

This Act continues the duties granted by 6 & 7 Will. 4, cap. 26. By the 4th section, the provision of 1 Vic. cap. 27, sec. 3, for admitting at the lower rate of duty, under certain conditions, the sugar of other British possessions in India than those admitted by 6 & 7 Will. 4, cap. 26, is re-enacted.

---

## 2 & 3 VICTORIÆ. Cap. XXXIV.

AN ACT *to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras; and to empower the same Courts, and the Supreme Court of Judicature of Bombay, to make Rules and Orders concerning Pleadings.* [29*th July* 1839.]

Whereas the Supreme Court of Judicature at Fort William in Bengal on the fifteenth day of June one thousand eight hundred and thirty-seven, and the Supreme Court of Judicature at Madras on the twenty-second day of February one thousand eight hundred and thirty-seven, made and passed certain rules and orders whereby the modes of pleading in the same Courts respectively were in some respects altered; and doubts have arisen as to the powers of the same Courts to make such alterations without the authority of Parliament: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said rules and orders, so far as they altered the modes of pleading in the said Supreme Courts at Fort William and Madras respectively, shall be deemed and taken to all intents to have been lawfully made, and to have had and still to have the force of law.

The rules for altering the mode of pleading in the Supreme Courts at Fort William and Madras deemed to have been lawfully made.

II. And whereas it is expedient to provide for giving validity to any rules or orders which may be made by the Supreme Court of Judicature at Bombay for altering the modes of pleading therein, and also to any other rules or orders which may hereafter be made by the said Supreme Courts of Fort William and Madras or either of them respecting the modes of pleading in the same Courts respectively; be it therefore enacted, that the said Supreme Court of Bombay shall and may, by any rules or orders to be from time to time passed by the said Court, make such alterations, and the said Supreme Courts of Fort William and Madras shall and may, by any other rules or orders to be from time to time passed by the said Courts respectively, make such further alterations in the mode of pleading in the said Courts

Supreme Courts at Bombay, Fort William, and Madras may pass rules for altering the modes of pleading.

respectively, or in the mode of entering and transcribing pleadings, judgments, and other proceedings in actions at law or suits in equity, or any civil or ecclesiastical causes, and such regulations as to the payment of costs, and otherwise for carrying into effect any such alterations, as to the said Courts respectively may seem expedient; and all such rules, orders, or regulations shall be submitted for confirmation or disallowance to the Governor-general of India in Council immediately upon the making of the same; and every such rule, order, or regulation shall to all intents and purposes have full effect after it shall have been confirmed by the said Governor-general of India in Council; but every such rule, order, and regulation, when so confirmed, shall be transmitted to her Majesty, her heirs or successors, in Council, and shall be subject at any time to be altered or rescinded by her said Majesty, her heirs or successors, in Council: provided always, that no rule or order to be made by virtue of this Act shall have the effect of depriving any person of the power of pleading the general issue and giving the special matter in evidence in any case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

Such rules to be subject to confirmation by the Governor-general; and may be altered or rescinded by the Privy Council.

Act not to affect rights and powers of Supreme Courts.

III. And be it enacted, that nothing herein contained shall be construed to affect any rights, powers, or privileges now belonging to or inherent in the said Supreme Courts of Judicature respectively.

---

## 2 & 3 VICTORIÆ. Cap. XXXVII.

AN ACT *to amend and extend until the First Day of January one thousand eight hundred and forty-two, the Provisions of an Act of the First Year of her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.* [29*th July* 1839.]

7 W. 4, & 1 Vic. c. 80.

Whereas by an Act passed in the first year of the reign of her present Majesty, intituled, "An Act to exempt certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury," it was enacted, that bills of exchange payable at or within twelve months should not be liable, for a limited time, to the laws for the prevention of usury: and whereas the duration of the said Act was limited to the first day of January one thousand eight hundred and forty; and it is expedient that the provisions of the said Act should be extended: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act no bill of exchange or promissory note made payable at or within twelve months after the date thereof, or not having more than twelve months to run, nor any contract for the loan or forbearance of money, above the sum of ten pounds sterling, shall, by reason of any interest taken thereon or secured thereby, or any agreement to pay or receive or allow interest in discounting, negotiating, or transferring any such bill of exchange or promissory note, be void, nor shall the liability of any party to any such bill of exchange or promissory note, nor the liability of any person borrowing any sum of money as aforesaid, be affected, by reason of any statute or law in force for the prevention of usury; nor shall any person or persons or body corporate drawing, accepting, endorsing, or signing

Bills of exchange and contracts for loans or forbearance of money above 10*l.* not to be affected by usury laws.

any such bill or note, or lending, or advancing, or forbearing any money as aforesaid, or taking more than the present rate of legal interest, in Great Britain and Ireland respectively, for the loan or forbearance of money as aforesaid, be subject to any penalties under any statute or law relating to usury, or any other penalty or forfeiture; any thing in any law or statute relating to usury, or any other law whatsoever in force in any part of the United Kingdom, to the contrary notwithstanding; provided always, that nothing herein contained shall extend to the loan or forbearance of any money upon security of any lands, tenements, or hereditaments, or any estate or interest therein.

Five per cent. to be considered the legal rate of interest, except, &c.

II. Provided always, and be it enacted, that nothing in this Act contained shall be construed to enable any person or persons to claim, in any Court of law or equity, more than five per cent. interest on any account or on any contract or engagement, notwithstanding they may be relieved from the penalties against usury, unless it shall appear to the Court that any different rate of interest was agreed to between the parties.

Continuance of Act.

IV. And be it enacted, that this Act shall continue in force until the first day of January one thousand eight hundred and forty-two.

# APPENDIX.

---

## TACTS

E GOVERNMENT OF INDIA.

# APPENDIX.

# ACTS

OF

# THE GOVERNMENT OF INDIA.

# ACTS

OF THE

# GOVERNMENT OF INDIA.

# ACTS

OF THE

# GOVERNMENT OF INDIA.

---

## ACT No. I. OF 1834.

*Passed by the Right Honourable the Governor-General of India in Council on the 20th November* 1834.

Be it enacted, that all Acts done by the Governor-general of India in Council, or by the Vice President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-general in Council, or by the said Vice President in Council, between the 22d of April 1834 and the 14th of November 1834, shall be valid and effectual to all intents and purposes, as if the said Acts had been done before the said 22d day of April 1834.

---

## ACT No. II. OF 1834.

*Passed by the Right Honourable the Governor-general of India in Council on the 20th Novcmber* 1834.

Be it enacted, that each of the Secretaries to the government of India and to the government of Fort William in Bengal, shall be competent to perform all the duties and to exercise all the powers which by any Act of Parliament or any regulation now in force, are assigned to the Chief Secretary to the government of Fort William in Bengal, and that each of the Secretaries to the government of Fort St. George and Bombay respectively, shall be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament, or any regulation now in force, are assigned to the Chief Secretaries to the governments of Fort St. George and Bombay respectively.

---

## ACT No. IV. OF 1835.

*Passed by the Right Honourable the Governor-general of India in Council on the 13th March* 1835.

Be it enacted, that from the 14th day of March 1835, all powers whatever in criminal cases which by virtue of any law now in force, may be exercised by two justices of the peace for the town of Calcutta, shall be exercised by one such justice.

## ACT No. IV. of 1836.

*Passed by the Right Honourable the Governor-general of India in Council on the 22d February* 1836.

It is hereby enacted, that the Act of Parliament passed in the 9th year of King George the Fourth, and entitled "An Act to provide for the relief of Insolvent Debtors in the East-Indies until the 1st day of March 1833," which Act was, by an Act passed in the 2d year of King William the Fourth, continued till the 1st day of March 1836, shall continue to be in force till the 1st day of March 1839.

---

## ACT No. VIII. of 1836.

*Passed by the Right Honourable the Governor-general of India in Council on the 28th March* 1836.

I. It is hereby enacted, that from the 31st day of March 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a principal Sudder Ameen, Sudder Ameen, or Moonsiff, shall, in respect of all acts done by him as such principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

---

## ACT No. XI. of 1836.

*Passed by the Right Honourable the Governor-general of India in Council on the 9th May* 1836.

I. It is hereby enacted, that from the 1st day of June 1836, the 107th clause of an Act of Parliament, passed in the 53d year of King George the Third, and entitled, "An Act for continuing in the East-India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges:—for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company's Charter," shall cease to have effect within the territories of the East-India Company.

II. And it is hereby enacted, that from the said day and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the Courts herein-after mentioned:—that is to say,

The Courts of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the principal Sudder Ameens—and of the Sudder Ameens, in the territories subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts—the Courts of the Zillah Judges—of the Assistant Judges—of the Registers—and of the Native Judges, in the territories subject to the Presidency of Fort St. George.

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners, in the territories subject to the Presidency of Bombay.

## ACT No. XIV. of 1836.

*Passed by the Right Honourable the Governor-general of India in Council on the 30th May* 1836.

Regulations imposing transit and town duties in the interior, and fixing rates of import and export duty on sea goods, repealed.

I. It is hereby enacted, that from the 1st June next, such parts of Regulations IX. and X. 1810, Regulation XV. 1825, and of any other Regulations of the Bengal Presidency, as prescribe the levy of transit or inland Customs duties, or of town duties; and likewise the schedules of duties and provisions of any kind contained in these, or any other Regulations for fixing the amount of duty to be levied upon goods imported into, or exported from, the said Presidency by sea, shall be repealed: provided, however, that nothing herein contained, shall be construed to prevent the levy of duties at the rates now in force at the Custom-houses and Chokies established on the line of the Jumna, or on any frontier line, upon goods crossing that line for import into, or export from, the territory of the East-India Company by land, nor to affect the Regulations in force for imposing and levying duties on salt, the produce of Western and Central India.

Except as regards the Jumna frontier line,

and duties on western salts.

Import duties to be levied according to Schedule A, annexed.

II. And it is hereby enacted, that duties of Customs shall be levied on goods imported by sea into Calcutta, or into any other place within the provinces of Bengal and Orissa, according to the rates specified in schedule A. annexed to this Act, and with the exceptions specified therein, and the said schedule with the notes attached thereto, shall be taken to be a part of this Act.

Export duties to be collected on country goods according to Schedule B, annexed.

III. And it is hereby further enacted, that duties of Customs shall be levied upon country goods exported by sea from any port of Bengal or Orissa, according to the rates specified in schedule B, annexed to this Act, with the exceptions therein specified, and the said schedule with the notes attached thereto, shall also be taken to be a part of this Act.

No goods entered therein as liable to duty to be exempted, except by order of Government.

IV. And it is hereby enacted, that no goods or articles whatsoever, entered in either of the said schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bengal: provided however that it shall and may be lawful for the collector of Customs or other officer in charge of a Custom-house, to pass free of duty, as heretofore, any baggage in actual use, at his discretion, and in case of any person applying to have goods passed as such, the collector acting under the orders of the Board of Customs, salt and opium, shall determine whether they be baggage in actual use, or goods subject to duty, under the rules of this Act.

But the collector may pass baggage belonging to passengers at his discretion.

Existing rules to be enforced for levying the new import and export duties.

V. And it is hereby enacted, that the rules and regulations now established for the levy of duties of Customs on goods imported into, or exported from, Calcutta and other ports of the Presidency of Fort William in Bengal, shall continue to be in force, and shall be observed and applied for the levy of the import and export duties imposed by this Act, unless repealed or altered, or repugnant to the provisions thereof.

Place may be fixed by Governor of Bengal, beyond which an inward-bound vessel is not to proceed until a manifest has been delivered to pilot to be forwarded.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, by an order printed in the *Calcutta Gazette*, to fix a place in any river or port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound vessel, save and except such dhoonies and country craft as are referred to in Section XXII. of this Act, to pass until the master or commander shall have delivered to the pilot on board, for the purpose of being forwarded by the public dawk or otherwise, as may be

ordered by the Board of Customs, salt and opium, a manifest made out in the form prescribed by section 45, Regulation IX. 1810: and it is hereby enacted, that if the manifest so delivered by the master and commander shall not contain a full and true specification of all the goods imported in the vessel, the master or person in charge thereof, shall be liable to a fine of 1,000 rs.; and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased duties, as may be determined by the Board of Customs, salt and opium; and if any inward-bound vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the master or commander shall in like manner deliver to the pilot so soon as the vessel shall anchor, a manifest as above prescribed; and if any vessel entering a port for which there is a Custom-house established, shall lie at anchor therein for the space of twenty-four hours, the master and commander whereof shall neglect to deliver the said manifest to the pilot on board, he shall for such neglect be liable to forfeit the sum of one thousand rupees, and no entry or port clearance shall be given for such vessel, until the fine is paid.

Master to be responsible for its correctness under penalty of 1,000 rupees.

Goods in excess, or not corresponding with manifest, to be seized and confiscated;

or charged with increased duties.

The masters of vessels lying below, to deliver manifests on coming to anchor.

If remaining at anchor twenty-four hours without sending manifest to be subject to penalty of 1,000 rupees.

VII. And it is hereby enacted, that no vessel shall be allowed to break bulk until the manifest described in the preceding section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the collector of Customs, and order shall have been given by the said collector for the discharge of the cargo, and the said collector may further refuse to give such order if he shall see fit, until any port clearances, cocketts, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

No vessel to break bulk unless two copies of manifest have been received;

and entry may be refused until papers of the places of departure are delivered.

VIII. And it is hereby enacted, that it shall be competent to the collector of Customs at any port of Bengal or Orissa, at his discretion, to send one or more officers of Customs on board of any vessel at any time, and the Custom-house officer so sent shall remain on board of such vessel by day and by night, until the vessel shall leave the port, or until it be otherwise ordered by the collector of Customs.

Collector may send Custom-house officer on board any vessel—

to remain on board till she sails.

IX. And it is hereby enacted, that any master or person in charge of such vessel, who shall refuse to receive a Custom-house officer on board when so deputed as above provided, or shall not afford such officer suitable shelter and sleeping accommodation while on board, shall be liable to a fine not exceeding the sum of 500 rupees for each day, during which such officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by, and at the discretion of the Board of Customs, salt and opium at Calcutta, and the vessel by the master or person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

Persons refusing to admit Custom-house officers, or not giving them proper accommodation, liable to fine.

X. And it is hereby enacted, that whenever a collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the Custom-house officer on board, or to any other officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulkheads to be opened in his presence, and if not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of Customs, shall be confiscated, and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of Customs, shall be liable upon con-

Collector may order a vessel to be searched.

Bulkheads to be broken open if not opened on requisition.

Any concealed goods to be confiscated.

viction for every such offence to a fine of one thousand rupees, to be adjudged by any magistrate or justice of the peace of the place.

Resistance or refusal of masters punishable with fine of 1,000 rupees.

XI. And it is hereby enacted, that no goods shall be allowed to leave any vessel, or to be put on board thereof, until entry of the vessel shall have been duly made in the Custom-house of the port, and order shall have been given for discharge of the cargo thereof as above provided; and it shall be the duty of the Custom-house officer on board, and of all officers of Customs to seize as contraband, any goods which shall have been removed or put on board of any vessel, in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision: and after entry of the vessel at the Custom-house in due form, such part of the cargo as may not be intended and declared for re-exportation in the same vessel, shall be sent to land: and export cargo shall be laden on board thereof according to the rules and practice now in force, and if an attempt be made to land or put on board goods or merchandize in contravention thereof, the goods or merchandize shall be liable to seizure and confiscation.

Goods not to be landed or put on board till entry of the ship is duly made.

Cargo to be sent ashore and laden outwards according to existing forms.

XII. Provided however, and it is hereby enacted, that no goods shall be allowed to leave any vessel under the said rules, unless the same be duly manifested, and any goods found on board in excess of the manifest, or not corresponding with the specification and description therein contained, shall be seized by the Custom-house officer on board, in order that they may be dealt with as prescribed in Section VI. of this Act; and if goods entered in the manifest shall not be found on board the vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom-house, or at such other ghaut or place as the collector of Customs shall have prescribed or permitted, there to be passed in due form, the master or commander shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if capable of being assessed therewith: provided however, that nothing herein contained shall be construed to prevent the collector of Customs from permitting the master or commander of any vessel to amend obvious errors or to supply omissions from accident or inadvertence by furnishing an amended or supplemental manifest, but the receiving of such shall always be discretionary.

Goods unmanifested not to be landed in ordinary form.

But to be seized on board.

Master to be answerable that all goods manifested are forthcoming and duly passed.

Under penalty of 500 rupees for each missing package of unknown value or double duty if assessible.

Rule for presenting an amended or supplemental manifest.

XIII. And it is hereby enacted, that any Custom-house officer whatsoever who shall demand or accept any gratuity not authorized by any existing regulation or order of Government, in consideration of doing or of omitting to do any act in his official capacity, shall forfeit for every such offence the sum of five hundred rupees, and any person who shall offer a bribe to any Custom-house officer, in order to induce such officer to act in a manner inconsistent with his duty, shall forfeit a like sum, and these penalties shall be adjudged on conviction before any magistrate or justice of the peace of the town, district, or place where the Custom-house may be established by such magistrate, and in default of payment, any person so convicted shall be committed to the civil gaol of the city or district until the fine be paid, or for a period not exceeding six months.

Custom-house officers taking unauthorized fees or bribes subject to penalty of 500 rupees.

Same penalty on persons offering.

XIV. And it is hereby enacted, that when goods shall be seized as contraband and liable to confiscation, the collector of Customs shall investigate the case, and according to his judgment shall either release the goods or adjudge them to confiscation, and whenever he shall declare goods to be confiscated, he shall report his proceedings for confirmation and final adjudication by the Board of Customs, salt and opium: provided however, that nothing herein

Collector to investigate and adjudge confiscation.

Board's confirmation necessary.

contained shall be construed to prevent the Governor of Bengal from ordering the release of goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the Custom laws.

Twenty or thirty days allowed to clear inwards according to tonnage.

After which the master to pay charges of the Custom-house officer.

Master to land goods if consignees do not.

If these fail collector may land and warehouse.

And may land packages before 20 days with consent of master.

XV. And it is hereby further enacted, that twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day of the tide-waiter or other Custom-house officer first going on board: and if the whole cargo be not discharged by the expiration of the above-stated periods respectively, the master or commander shall be charged with the tide-waiter's or other officer's wages and other expenses, for any further period that he or they may be detained on board: and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master or commander so to do: and if any goods remain on board after the time fixed as above for the discharge of the import cargo, the collector may order the same to be landed and warehoused for the security of the duties chargeable, and of any freight and primage, and other demands that may be due thereon, giving his receipt to the master for the same: provided always, that in all cases it shall be lawful for the collector, or other officer in charge of the Custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the government warehouse for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case goods so landed and warehoused, or any goods brought to land from any vessel, be not claimed and cleared from the Custom-house within three months from the date of landing, it shall be competent to the collector to sell the same on account of the duties, freight, and other charges incurred and due thereon.

Farther period of 15 or 20 days for continuous lading for export.

If the vessel be laid up tide waiter to search and leave, certifying that it is empty.

Twenty and thirty days according to tonnage allowed for lading a vessel outwards after being laid up, but search and certificate that nothing is on board, necessary.

XVI. And it is hereby enacted, that a further period of fifteen days, Sundays and holidays excluded, shall be allowed for putting on board export cargo if the vessel shall not exceed 600 tons burthen, and twenty days if exceeding that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall not, in such case, be charged with the wages and expenses of the Custom-house officer on board until after the expiration of such additional periods respectively: and if a vessel having discharged its import cargo shall be laid up, the Custom-house officer on board shall be withdrawn so soon as he shall certify that no goods remain on board excepting necessary stores and articles for use, and when a vessel so laid up, shall be entered at the Custom-house for receipt of export cargo, a Custom-house officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board saving as above excepted, twenty days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding 600 tons, and thirty days for vessels exceeding that burthen, after which periods respectively, the master and commander shall be charged with the wages and expenses of the Custom-house officer on board to the date of the vessel's sailing from the port.

When penalty has been incurred by a master;

the collector may refuse port clearance of the vessel till it be paid

XVII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any penalty, fine or demand, on account of any act or omission relating to Customs, the collector of Customs shall be competent, subject to the orders of the Board of Customs, salt and opium, to refuse port clearance to such vessel until the fine shall be discharged.

Goods shipped after port clearance to pay double duty, and five per cent. if free.

XVIII. And it is hereby enacted, that upon any goods passed through the Custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double the prescribed duty shall, in all cases, be levied, and if the goods be free, five per cent. upon the market value shall be levied thereon.

In case of re-landing for damage, &c., officer to proceed on board to watch.

And cargo not to be exempt from duty on re-export, unless all the while in charge of Custom-house officers.

Proviso for re-importation when duties and drawbacks are to be refunded.

And master to forfeit the value of drawback, if goods not forthcoming.

XIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a Custom-house officer shall be sent to watch the vessel and take charge of the cargo during such re-landing or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty, by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of Customs, and shall remain while on land, or while on board of any other vessels under special charge of the officers of Customs, until the time of re-export, and all charges attending such custody shall be borne by the exporter, or by the applicant for this advantage: provided, however, that in all cases of return to port after port clearance, on account of damage or for stress of weather, it shall be lawful for the owner, or for the master and commander to re-enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed, and the goods be placed in all respects as before being passed for exportation; and if goods, on account of which drawback has been paid, be not found on board the vessel, the master shall forfeit the entire value thereof, unless he account for them to the satisfaction of the collector of Customs.

No refund of export duty after port clearance.

XX. And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete and port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, except the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in Section XIX. of this Act.

Arabs and other foreign Asiatic vessels to be deemed foreign.

XXI. And it is hereby further enacted, that vessels owned by natives of Arabia and coming from the ports thereof, and likewise the vessels of any country or port of Asia not subject to the dominion of the King of the United Kingdom of Great Britain and Ireland, excepting dhoonies and small craft from the Maldive and Nicobar Islands as herein-under provided, shall be deemed foreign vessels.

Dhoonies, &c. to be required to anchor in a particular part of the river.

Penalty if not moved when required, 100 rupees.

Vessel, its equipment or cargo may be seized.

Dhoonies, &c. from Maldives and Nicobars to be British vessels.

XXII. And it is hereby enacted, that dhoonies, country craft, and other small vessels, not brought into the port of Calcutta by pilots, shall be required to anchor and moor in such part of the River Hooghly as shall be marked out by the collector of Customs, with the sanction of the Board of Customs, salt and opium; and if any such vessel shall anchor in any other part of the river than as so marked out, and the master or person in charge thereof shall not immediately upon being ordered so to do, move his vessel to the place marked out, he shall be liable to a fine of 100 rupees, to be adjudged by the collector of Customs, and the vessel, or any part of its equipment or cargo may be seized and sold in satisfaction of such fine, and goods shall be landed from such vessels and put on board for export according to such rules, and at such places as shall be prescribed by the collector of Customs, and vessels of this description coming from the Maldives, or from the Nicobar Islands, shall be considered as British vessels.

## SCHEDULE A.

*Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Fort William in Bengal.*

| No. | Enumeration of goods. | When imported on British bottoms. | When imported on Foreign bottoms. |
|---|---|---|---|
| 1 | Bullion and coin | Free | Free. |
| 2 | Precious stones and pearls | Ditto | Ditto. |
| 3 | Grain and pulse | Ditto | Ditto. |
| 4 | Horses and other living animals | Ditto | Ditto. |
| 5 | Ice | Ditto | Ditto. |
| 6 | Coal, coke, bricks, chalk and stones | Ditto | Ditto. |
| 7 | Books printed in the United Kingdom, or in any British possession | Ditto | 3 per cent. |
| 8 | Foreign books | 3 per cent. | 6 per cent. |
| 9 | Marine stores, the produce or manufacture of the United Kingdom, or of any British possession | 3 per cent. | 6 per cent. |
| 10 | Do. do. the produce or manufacture of any other place or country | 6 per cent. | 12 per cent. |
| 11 | Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession | 3 per cent. | 6 per cent. |
| 12 | Metals, do. do. excepting tin, the produce or manufacture of any other place | 6 per cent. | 12 per cent. |
| 13 | Tin, the produce of any other place than the United Kingdom, or any British possession | 10 per cent. | 20 per cent. |
| 14 | Woollens, the produce or manufacture of the United Kingdom, or any British possession | 2 per cent. | 4 per cent. |
| 15 | Do. the produce of any other place or country | 4 per cent. | 8 per cent. |
| 16 | Cotton and silk piece goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession | 3½ per cent. | 7 per cent. |
| 17 | Do. the produce of any other place | 7 per cent. | 14 per cent. |
| 18 | Opium | 24 rupees per seer of 80 tolas. | 24 rupees per seer of 80 tolas. |
| 19 | Salt | Rupees 3-4 per maund of 80 tolas per seer. | Rupees 3-4 per maund of 80 tolas per seer. |
| 20 | Alum | 10 per cent. | 20 per cent. |
| 21 | Camphor | 10 per cent. | 20 per cent. |
| 22 | Cassia | 10 per cent. | 20 per cent. |
| 23 | Cloves | 10 per cent. | 20 per cent. |
| 24 | Coffee | 7½ per cent. | 15 per cent. |
| 25 | Coral | 10 per cent. | 20 per cent. |
| 26 | Nutmegs and Mace | 10 per cent. | 20 per cent. |
| 27 | Pepper | 10 per cent. | 20 per cent |
| 28 | Rattans | 7½ per cent. | 15 per cent. |

| No. | Enumeration of goods. | When imported on British bottoms. | When imported on Foreign bottoms. |
|---|---|---|---|
| 29 | Tea | 10 per cent. | 20 per cent. |
| 30 | Vermillion | 10 per cent. | 20 per cent. |
| 31 | Wines and Liqueurs | 10 per cent. | 20 per cent. |
| 32 | Spirits, consolidated duty, including that levied heretofore through the police of Calcutta. And the duty on spirits shall be rateably increased as the strength exceeds of London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon. | 9 annas per imperial gallon | 16 annas per imperial gallon |
| 33 | All articles not included in the above enumeration | 3½ per cent. | 7 per cent. |

And when the duty is declared to be *ad valorem*, it shall be levied on the market value without deduction, and if the collector of Customs shall see reason to doubt whether the goods come from the country from which they are declared to come by the importer, it shall be lawful for the collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, salt and opium.

And upon the re-export by sea of goods imported, excepting opium and salt, provided the re-export be made within two years of the date of import as per Custom-house register, and the goods be identified to the satisfaction of the collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback: and if goods be re-exported in the same ship without being landed (always excepting opium and salt, in regard to which the special rules in force shall continue to apply) there shall be no import duty levied thereon.

## SCHEDULE B.

*Rates of Duty to be charged upon Goods exported by Sea from any Port or Place in the Presidency of Fort William in Bengal.*

| No. | Enumeration of goods. | Exported on British bottoms. | Exported on Foreign bottoms. |
|---|---|---|---|
| 1 | Bullion and coin | Free | Free. |
| 2 | Precious stones and pearls | Ditto | Ditto. |
| 3 | Books printed in India | Ditto | Ditto. |
| 4 | Horses and living animals | Ditto | Ditto. |
| 5 | Opium purchased at government sales in Calcutta | Ditto | Ditto. |
| 6 | Cotton wool exported to Europe, the United States of America, or any British possession in America | Ditto | 8 annas per maund of 80 tolas to the seer. |

| No. | Enumeration of goods. | Exported on British bottoms. | Exported on Foreign bottoms. |
|---|---|---|---|
| 7 | Ditto ditto exported to places other than above ..... | Annas 8 per maund of 80 tolas per seer ..... | 16 annas per maund of 80 tolas to the seer. |
| 8 | Sugar and rum exported to the United Kingdom, or to any British possession..... | Free ..... | 3 per cent. |
| 9 | Ditto exported to any other place | 3 per cent ..... | 6 per cent. |
| 10 | Grain and pulse of all sorts .... | 1 anna per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, half an anna per maund .... | 2 annas per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, 1 anna per maund. |
| 11 | Indigo ..... | Rs. 3 per maund of 80 tolas to the seer. .... | Rs. 6 per maund of tolas to the seer. |
| 12 | Lac dye and shell lac ..... | 4 per cent ..... | 8 per cent. |
| 13 | Silk, raw filature ..... | 3½ annas per seer of 80 tolas ..... | 7 annas per seer of 80 tolas. |
| 14 | Silk, Bengal wound ..... | 3 annas per seer of 80 tolas ..... | 6 annas per seer of 80 tolas. |
| 15 | Tobacco ..... | 4 annas per maund .... | 8 annas per maund. |
| 16 | All country articles not enumerated or named above ..... | 3 per cent ..... | 6 per cent. |

And when the duty is declared to be *ad valorem*, the same shall be levied on the market value of the article at the place of export, without deduction.

And in settling for the duties on exports by sea, credit shall be given for payment of inland Customs duty, and drawback shall be allowed of any excess of duty paid upon production of ruwanas under the following conditions, until the 1st April 1837:—

1st. That the goods shall be identified, and destination to the port of export proved in the usual manner.

2d. That the ruwanas shall bear date before the 1st April 1836, and the goods shall not have been protected thereby, or by the original thereof, more than two years.

And after the said 1st April 1837, credit shall not be given, nor shall drawback be allowed, of any inland Customs or land frontier duty paid at any Custom-house or Chokee of the Jumna frontier line, or of Benares, except only upon the article of cotton wool covered by ruwanas taken out at the Custom-houses of the western provinces, and proved to have been destined for export by sea when passed out of those provinces.

[See No. 16 of 1837, and No. 1 of 1838.]

## ACT No. XXIV. of 1836.

*Passed by the Right Honourable the Governor-general of India in Council on the 10th October* 1836.

I. It is hereby enacted, that the officers who in the Regulations of the Presidency of Fort St. George are designated as native judges and native criminal judges, shall, from the 1st day of November 1836, be designated as principal Sudder Ameens.

II. And it is hereby enacted, that from the said 1st day of November 1836, the officers who, in the Regulations of the Presidency of Bombay, are designated as native judges, shall be designated as principal Sudder Ameens; and the officers who in the said last-mentioned regulations are designated as principal native Commissioners shall be designated as Sudder Ameens; and the officers who in the said last-mentioned regulations are designated as junior native Commissioners shall be designated as Moonsiffs.

III. And it is hereby enacted, that from the said 1st day of November 1836, no person whatever shall, by reason of birth or by reason of descent, be incapable of being a principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the territories subject to the Presidencies of Fort St. George and of Bombay.

IV. And it is hereby enacted, that every British born subject of the King, or descendant of such British born subject, who shall be appointed a principal Sudder Ameen, Sudder Ameen, or Moonsiff, in the territories subject to the Presidency of Fort St. George or of Bombay, shall, in respect of all acts done by him as such principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

V. And it is hereby enacted, that from the said 1st day of November 1836, no person shall by reason of place of birth, or by reason of descent, be excepted in any civil proceeding from the jurisdiction of the assistant judges in the territories subject to the Presidency of Bombay.

---

## ACT No. XXVIII. of 1836.

*Passed by the Right Honourable the Governor-general of India in Council on the 7th November* 1836.

I. It is hereby enacted, that from the first day of December 1836, no assessment made by the justices of the peace for the Presidency of Fort Saint George under the authority of the Act of Parliament of the 33 George III. cap. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort Saint George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort Saint George, by an order in Council, to exempt any district, or portion of a district, from payment of any such assessment.

## ACT No. XXXII. OF 1836

*Passed by the Right Honourable the Governor-General of India in Council on the 28th November* 1836.

I. It is hereby enacted, that if any person after the 1st day of December 1836, lands or attempts to land in any part of the territories subject to the Government of the Presidency of Fort William in Bengal (1) any sugar which is not the growth of a British possession into which foreign sugar cannot be legally imported, such sugar shall be seized and confiscated by the collector of the Customs, or by any other officer thereunto authorized by the Governor of the said Presidency, unless the district in which such sugar is landed, or in which an attempt has been made to land such sugar, be a district in which the Governor-general of India in Council has authorized the importation of such sugar.

(1) [Importation prohibited into territories subject to Government of Fort St. George, by Act No. 15 of 1839.]

II. And it is hereby enacted, that if any owner of sugar, the produce of the said territories, or duly authorized agent of such owner, desires to obtain a certificate of origin from the collector or assistant-collector of the land or custom revenue of any district within the said territories, or from any other officer appointed by the Governor-general of India in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the schedule hereunto annexed marked A.

III. And it is hereby enacted, that if the district be one into which the Governor-general of India in Council has not by any order authorized the importation of foreign sugar, or of sugar the growth of any British possession into which foreign sugar can be legally imported, the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the schedule hereunto annexed marked B.

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of Customs at that place, or to any other officer who may have been appointed by the Governor-general of India in Council, to act on such occasions in place of the collector of Customs, a certificate such as is above described, and also in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the schedule hereunto annexed marked C.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration a certificate in the form contained in the schedule hereunto annexed marked D.

VI. And it is hereby enacted, that any person who shall in making any declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before

such Court, as would be competent to try such person for perjury, be punished by fine to an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

---

SCHEDULES.

A.

I, *A. B.*, solemnly declare that all the sugar herein-under described is to the best of my knowledge and belief the produce of the district of ————.

*Description of the Sugar to which the Declaration relates.*

| Quantity. | Quality. | Number and denomination of Packages. |
|---|---|---|
| | | |

(Signed) *A. B.*

The day of 18

B.

I, *C. D.*, collector of land revenue (or *collector of Custom revenue*, or *being an officer appointed by the Governor-general of India in Council to act in this behalf*) for the district of ———, do hereby, in conformity with the provisions of Act No. XXXII. of 1836, grant this certificate under my hand and seal that the sugar herein-under described is of the produce of the district of ———, and that the importation of foreign sugar and of sugar the growth of any British possessions into which foreign sugar can be legally imported, is prohibited in the said district of ———.

*Description of the Sugar to which this Certificate relates.*

| Quantity. | Quality. | Number and denomination of the Packages. | Name of the Declarant on whose declaration the certificate is given. |
|---|---|---|---|
| | | | |

L. S. (Signed) *C D.*

C.

I, *E.F.*, shipper of the sugar herein-under described, solemnly declare that all the sugar herein-under described, is to the best of my knowledge and belief the same sugar to which the certificate now produced by me relates.

*Description of the Sugar to which the Declaration relates.*

| Quantity. | Quality. | Number and denomination of Packages. | Name of Ship in which Sugar is Shipped or to be Shipped. | Name of the Master of the Ship. |
|---|---|---|---|---|
| | | | | |

(Signed) *E. F.*

D.

I., *G. H.*, collector of Customs (or *being an officer appointed by the Governor-general of India in Council to act in this behalf*) for the port of ————, certify under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the sugar herein-under described, a certificate under the hand and seal of *C. D.*, collector of land revenue (or *collector of Custom revenue*, or *being an officer appointed by the Governor-general of India in Council to act in this behalf*) for the district of ————, in the territories subject to the government of the Presidency of Fort William in Bengal, which certificate certifies that the said sugar is of the produce of the said district, and that the importation of foreign sugar or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

*Description of the Sugar to which this Certificate relates.*

| Quantity. | Quality. | Number and denomination of Packages. | Name of the Ship. | Name of the Master of the Ship. |
|---|---|---|---|---|
| | | | | |

L. S. (Signed) *G. H.*

## ACT No. I. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 6th February* 1837.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one justice of the peace for the town of Calcutta, to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. III. cap. 52; and every such warrant shall have the same force as if it were under the hands and seals of two such justices.

---

## ACT No. IV. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 17th April* 1837.

I. It is hereby enacted, that after the 1st day of May next, it shall be lawful for any subject of his Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East-India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

---

## ACT No. VII. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 1st May* 1837.

It is hereby enacted, that it shall be lawful for any of the Courts established by his Majesty's Charters, in any case in which such Court shall have recommended to his Majesty the granting of a free pardon to any convict, to permit such convict to be at liberty on his own recognizance.

---

## ACT No. IX. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 15th May* 1837.

I. It is hereby enacted, that from the 1st day of June 1837, all immoveable property, situate within the jurisdiction of any of the Courts established by his Majesty's Charter shall, as far as regards the transmission of such property on the death and intestacy of any Parsee

having a beneficial interest in the same, or by the last will of any such Parsee, be taken to be and to have been of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, if such transmission took place before the said 1st day of June 1837, and if such transmission were either according to the rules which regulate the transmission of freehold property, or else took place with the acquiescence of all persons to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of such Parsee.

[See 21 Geo. 3, cap. 70, sec. 17 and 18, and 37 Geo. 3, cap. 14, sec. 12 and 13. See also Act of Government of India, No. 20 of 1837.]

---

## ACT No. XVI. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 3rd July* 1837.

XI. And it is hereby enacted, in modification of the article of Schedule B. of Act. XIV. of 1836, which provides that when sugar or rum shall be exported on British bottoms to any British possession, no duty shall be levied thereupon, and if on foreign bottoms, a duty of 3 per cent. only shall be levied, that the said exemption from duty and advantage of rate shall not hold or apply to the case of sugar exported to any British possession or settlement on the continent of India (including the port of Bombay), but duties shall be levied on such exports in the same manner as upon sugar and rum exported to other places, and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the sugar so exported from Bengal may be subject at any place of import within the possessions of the East-India Company.

XII. And it is hereby enacted, in modification of Section XVIII. of the Act XIV. of 1836, that when goods shall be shipped after port clearance, if the same be imported goods entitled to drawback, such drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of Section XV. of Act XIV. of 1836, that if goods landed at the Custom-house be not claimed and cleared from the Custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the goods on account of the duties, freight, and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of drawback upon any goods exported from any port of Bengal or Orissa, unless the export be made within two years from the date of the import in the Custom-house registers, nor unless the claim to

receive such drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the Custom-house register.

---

## ACT No. XIX. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 7th August* 1837.

It is hereby enacted, that no person shall, by reason of any conviction for any offence whatever, be incompetent to be a witness in any stage of any cause, civil or criminal, before any Court in the territories of the East-India Company.

---

## ACT No. XX. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 11th September* 1837.

It is hereby enacted, that from the first day of October 1837, all immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last will of any such person, be taken to be, and to have been, of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same; or by the last will of any such person, if such transmission took place before the said first day of October, and if such transmission were according to the rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable property derived from a deceased person shall have been, before the said first day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the rules which regulate the transmission of freehold property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

See No. 9 of 1837.

## ACT No. XXVI. of 1837.

*Passed by the Right Honourable the Governor-general of India in Council on the 16th October* 1837.

It is hereby enacted, that from the day on which it shall be notified by an order of the Governor-general of India in Council, published in the official *Gazette*, that the said Governor-general has quitted his Council, for the purpose of proceeding to the north-western provinces till the time at which the said Governor-general shall next, after the said notification, rejoin his Council, the said Governor-general shall have all the powers of Governor-general in Council, except the power of making laws or regulations.

---

## ACT No. I. of 1838.

*Passed by the Honourable the President of the Council of India in Council on the 3d January* 1838.

I. It is hereby enacted, that from the 1st February 1838, all Regulations of the Bombay Code passed before the year 1827, and now in force, with the exception of Sections I., II., and III., Regulation VI., 1799, and of Clause 2, Section VII., Regulation IX., 1800, and of Sections XIV., XVII., XX., XXI., and XXV., Regulation I. of 1805, and of the whole of Regulations II., 1810, and VI., 1814, shall be repealed.

II. And it is hereby enacted, that Chapters I, II., IV., VI., VIII., and IX., of Regulation XX., 1827, of the said Code, together with the Appendices A, B, C, E, H, I, J, K, of that Regulation, also Regulation II., 1831, Regulation XIII., 1831, Regulation I., 1832, Regulation IV., 1833, and Regulation IV., 1834, of the said Code, and all such parts of any Regulations of the said Code as prescribe the levy of transit or inland Customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay Presidency, and likewise the provisions of any kind contained in those or in any other Regulations for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay Presidency, or the drawback payable on the same, shall be repealed; and it is further enacted, that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay Code.

III. Provided always, that nothing contained in the two preceding sections of this Act shall be construed to prevent the levy of any town duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of the same; or of any fee for the erection and maintenance of light-houses.

IV. And it is hereby enacted, that duties of Customs shall be levied on goods imported by sea into any place in the territories subordinate to the Government of the Presidency of Bombay, after the said 1st February next, according to the rates specified in schedule A annexed to this Act, and with the exceptions specified therein, and the said schedule, with the notes attached thereto, shall be taken to be a part of this Act.

V. And it is hereby further enacted, that duties of Customs shall be levied upon country goods exported by sea from any ports of the Bombay Presidency after the said 1st February next, according to the rates specified in schedule B annexed to this Act, with the exceptions therein specified, and the said schedule, with the notes attached thereto, shall also be taken to be a part of this Act.

VI. Provided, however, that the ships of any European nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, any thing in the schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that duties of Customs shall be levied on goods passing by land into or out of foreign European settlements, situated on the line of coast within the limits of the Presidency of Bombay, at the rates prescribed in the schedules of this Act for goods imported or exported on foreign bottoms at any British port in that Presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Bombay, to declare by notice to be published in the *Gazette* of that Presidency, that the territory of any native chief, not subject to the jurisdiction of the Courts and civil authorities of that Presidency, shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of Customs as above provided on goods exported by land to, or imported by land from, such foreign territories, Customs' chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokee shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East-India Company, until the owner, or person in charge thereof, shall produce and deliver a certificate, shewing that the Customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of Customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any chokee officer, shall entitle goods to cross the frontier into or out of the East-India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate shew the entire amount of duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice in the official *Gazette* of the Presidency of Bombay, of the appointment of every officer appointed to receive Customs duties on goods crossing the land frontier of the said foreign

territories, and the officers so appointed shall on receipt of money tendered as Customs duty, be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any chokee, that shall bear date more than thirty days before the date when the goods arrive at the chokee: provided, however, that any person who has taken out a certificate from any authorized receiver of Customs duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice, in the official *Gazette* of the Presidency of Bombay, by what routes goods shall be allowed to pass into or out of any such foreign territory, as is described in Sections VII. and VIII. of this Act; and after such notice shall be given, goods which may be brought to any chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the collector of Customs, unless the person in charge thereof shall be able to satisfy the said collector, that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass, across any frontier guarded by chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any chokee officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months

XVI. And it is hereby enacted, that if any chokee officer shall needlessly and vexatiously injure goods, under the pretence of examination, or in the course of his examination, or who shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of Customs, or before any magistrate, or joint magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the presidency of Bombay from any foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the presidency of Bombay, under Section VIII. of this Regulation, to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule A on imports on foreign bottoms.

XVIII. And it is hereby enacted, that no goods whatsoever entered in either of the schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the presidency of Bombay: provided always, that it shall and may be lawful for the collector of Customs, or other officer in charge of a Custom-house, to pass free of duty any baggage in actual use, at his discretion; and if any person shall apply to have goods passed as such baggage, the collector, acting under the orders of the government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

XIX. Provided always, that when goods are imported at any port of the Bombay presidency from any other port in that presidency under certificate that the export duty specified in schedule B has been duly paid thereon, or that there has been a re-export, and that the import duty specified in schedule A has been duly paid, the said goods shall be admitted to free entry.

XX. Provided also, that when duties of Customs shall have been paid on any goods at any port in any part of the territories of the East-India Company not subject to the presidency of Bombay, and when such goods shall subsequently be imported at any port of the presidency of Bombay, credit shall be given at such last-mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay, from time to time, by notice in the official *Gazette* of that presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the schedules annexed to this Act, are brought to any Custom-house in the presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied *ad valorem*, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* goods shall be declared by the owner, consignee, or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the Custom-house; and the value so declared shall include the packages or materials in which the goods are contained, and the application shall truly set forth the name of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the officer of Customs appointed to appraise goods at the Custom-house, and if it shall appear to him that the same is correct he shall countersign it as admitted: but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of Customs, who shall have power to take the goods or

any part thereof as purchased for the government at the price so declared; and whenever the collector of Customs shall so take goods for the government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within fifteen days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare by public notice in the official *Gazette* of that presidency what places within the same shall be ports for the landing and shipment of merchandize, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the presidency of Bombay, the master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act, and marked C, to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river, or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the official *Gazette* of the presidency, to fix a place in any such river or port, beyond which place it shall not be lawful for any inward bound vessel, except such country craft as are described in Sections LI. and LII. of this Act, to pass until the master shall have forwarded in such manner as may be ordered by the said Governor in Council such a manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine of one thousand rupees, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any Customs officer and confiscated, or to be charged with such increased duties as may be determined by the collector of Customs under the orders of government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the master shall deliver a manifest as herein-before prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a Custom-house established, shall lie at anchor therein for the space of twenty-four hours, the master whereof shall refuse to deliver the said manifest in the manner above prescribed, he shall for such refusal be liable to a fine not exceeding one thousand rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest, as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the collector of Customs, shall have been received by the said collector, nor until order shall have been given by the said collector for the discharge of the cargo; and that the said collector may further refuse to give such order if he

shall see fit until any port clearances, cocketts, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been duly made in the Custom-house of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every Customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision: and after entry of the vessel at the Custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the presidency of Bombay, and if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom-house, or at such other place as the collector of Customs shall have prescribed, the master shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained: provided, however, that nothing herein contained shall be construed to prevent the collector of Customs from permitting at his discretion the master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall, in every port of the Bombay presidency, be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the collector of Customs for the port, and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to license and register the cargo boats plying in any ports, then, after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of Customs at the port, and any goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any officer of Customs, and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in Council of the presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the collector.

XXXV. And it is hereby enacted, that any master of such vessel at such port who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding the sum of one hundred rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search addressed to any officer under his authority, and upon production of such order the officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of Customs, shall be liable to confiscation, and any master or person in charge of a vessel, who shall resist such officer or refuse to allow the vessel to be searched when so ordered by the collector of Customs, shall be liable upon conviction for every such offence to a fine of one thousand rupees.

XXXVII. And it is hereby enacted, that every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom-house is closed for business, without leave in writing obtained from the collector of Customs, shall be punished with a fine not exceeding five hundred rupees.

XXXVIII. And it is hereby enacted, that no cargo boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of, any vessel on board of which there shall be a Customs officer stationed, unless there shall be on board the boat, or have been received by the said Customs officer, a Custom-house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside or be made fast to a vessel, if such goods be not covered by a Custom-house pass accompanying them, or previously received by the Customs officer on board the said vessel, shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a Customs officer on board for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch a boat note, specifying the number of packages, and the marks and numbers or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the Customs officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of Customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of Customs, the goods shall be liable to confiscation.

XL. And it is hereby enacted, that when goods shall be brought to be passed through the Custom-house either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom-house, or if the contents thereof be

found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person, after goods have been landed, and before they have been passed through the Custom-house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the collector of Customs that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods.

XLII. And it is hereby enacted, that it shall be lawful for the collector of Customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement.

XLIII. And it is hereby enacted, that on application by the exporter of any salt that has paid the Excise duty fixed by Act No. XXVII. of 1837, a certificate shall be granted by the collector of Customs at the place of export, under authority of which certificate the quantity of salt specified therein shall be landed at any other port of the said presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty either of Excise or of Customs.

XLIV. And it is hereby enacted, that when a Customs officer shall be sent on board of any vessel to superintend the delivery of cargo, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen, and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs officer first went on board: and if the whole cargo be not discharged by the expiration of the above-mentioned periods, the master shall be charged with the wages of such officer, and other expenses for any further period that such officer may be detained on board: and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

XLV. And it is hereby enacted, that when there shall be no Customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the master of the same: provided always, that in all cases it shall be lawful for the collector or other officer in charge of the Custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the Government warehouses for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed and cleared from the Custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same on account of the duties and

other charges due thereon, and the balance remaining after deducting the said duties and charges shall be held in deposit and paid to the owner on application.

XLVI. And it is hereby enacted, that when a Customs officer shall be sent on board of any vessel discharging cargo, a further period of fifteen days, Sundays and holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board export cargo if the vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall in such case not be charged with the wages and expenses of the Customs officer on board until after the expiration of such additional period: and if a vessel having discharged its import cargo shall be laid up, the Customs officer on board shall certify that no goods remain on board except necessary stores and articles for use, and when a vessel so laid up shall be entered at the Custom-house for receipt of export cargo a Customs officer shall be sent on board, and if the last-mentioned officer shall certify that no goods are on board except as above excepted, twenty days, exclusive of Sundays and holidays, as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding six hundred tons, and thirty days for vessels exceeding that burthen, after which periods respectively the master shall be charged with the wages and expenses of the Customs officer on board to the date of the vessel's sailing from the port.

XLVII. And it is hereby enacted, that when upon application from the master of any vessel the Customs officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding section of this Act, if the master of such vessel shall before a Customs officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel, any goods whatever, such master shall be punished with a fine not exceeding one thousand rupees, and the goods shall be liable to be relanded for examination at the expense of the shippers, upon requisition to that effect from the collector of Customs.

XLVIII And it is hereby enacted, that upon any goods liable to duty that may be passed through the Custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied, and if the goods be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the cargo of a vessel that has cleared out shall be unshipped or relanded, a Customs officer shall be sent to watch the vessel and take charge of the cargo during such relanding or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of Customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the exporter: provided, however, that in all cases of return to port after port clearance, on account of damage or for stress of weather, it shall be lawful for the owner, or for the master to enter the vessel and land the cargo under the

rules for the importation of goods, and the export duty shall in that case be refunded and the amount paid in drawback be reclaimed, and if goods on account of which drawback has been paid be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the collector of Customs.

L. And it is hereby enacted, that when goods shall be relanded before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods, after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been relanded under the rule contained in the last preceding section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods therein, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding one hundred rupees for each offence.

LII. And it is hereby enacted, that pattamars, dhonies, botellos, and other small craft from the Maldive or Laccadive islands, or from the native ports of Kattywar, Cutch, and Scinde, shall be treated in the ports of the Bombay Presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring, and mode of landing and shipping goods, as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay Presidency.

LIII. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft, as are described in the last preceding section of this Act.

LIV. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty, and if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty, as if they had been landed and passed through the Custom-house for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any goods, except under special order in writing from the collector of Customs of the port, and an officer of Customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay Presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port according to the burthen, on all country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified.

| | | | | | Fee. Rupees. |
|---|---|---|---|---|---|
| Above | 10 Candies (equal to 100 maunds,) | Not exceeding. | 20 Candies, | 200 Indian maunds, | 1 0 |
| — | 20 ..... | ..... | 40 ..... | ..... | 1 8 |
| — | 40 ..... | ..... | 60 ..... | ..... | 2 0 |
| — | 60 ..... | ..... | 80 ..... | ..... | 2 8 |
| — | 80 ..... | ..... | 100 ..... | ..... | 3 0 |
| — | 100 ..... | ..... | 150 ..... | ..... | 3 8 |
| — | 150 ..... | ..... | 200 ..... | ..... | 4 0 |
| — | 200 ..... | ..... | 250 ..... | ..... | 4 8 |
| — | 250 ..... | ..... | 300 ..... | ..... | 5 0 |
| — | 300 ..... | ..... | 350 ..... | ..... | 5 8 |
| — | 350 ..... | ..... | 400 and upwards, | ..... | 6 0 |

LVII. And it is hereby enacted, that in all cases in which under this Act, goods are liable to confiscation, the collector of Customs of the place where those goods may be shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to Customs, the collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any collector of Customs, or other officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the Customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the officer of Customs in any Court of justice on account of such seizure: and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty: and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion not exceeding one-half shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all officers of Customs shall as heretofore be amenable to the civil Courts of the presidency or island of Bombay by action for damages, on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts: provided, however, that no suit shall lie against a collector of Customs or other officer, for any judicial award in a matter of Customs passed under the preceding section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding one thousand rupees, or both.

LXII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property, as a consideration for doing, or forbearing to do, any official act, shall be punished with imprisonment for a ferm not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud, for the purpose of injuring the Customs revenue, or abets, or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer any of the powers given to a collector of Customs by this Act or any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the Custom-house.

---

## SCHEDULE A.

*Rates of Duty to be charged on Goods imported by Sea into any Port of the Presidency of Bombay.*

| No. | Enumeration of goods. | When imported on British bottoms. | When imported on Foreign bottoms. |
|---|---|---|---|
| 1 | Bullion and coin | Free | Free. |
| 2 | Precious stones and pearls | Ditto | Ditto. |
| 3 | Grain and pulse | Ditto | Ditto. |
| 4 | Horses and other living animals | Ditto | Ditto. |
| 5 | Ice | Ditto | Ditto. |
| 6 | Coal, coke, bricks, chalk, stones, (marble and wrought stones excepted) | Ditto | Ditto. |
| 7 | Books printed in the United Kingdom or in any British possession | Ditto | 3 per cent. |
| 8 | Foreign books | 3 per cent | 6 per cent. |
| 9 | Marine stores, the produce or manufacture of the United Kingdom or of any British possession | 3 per cent | 6 per cent. |
| 10 | Ditto, ditto, the produce or mafacture of any other place or country | 6 per cent | 12 per cent. |
| 11 | Metals wrought or unwrought, the produce or manufacture of the United Kingdom or any British possession | 3 per cent | 6 per cent. |
| 12 | Metals, ditto, ditto, excepting tin, the produce or manufacture of any other place | 6 per cent | 12 per cent. |

| No. | Enumeration of goods. | When imported on British bottoms. | When imported on Foreign bottoms. |
|---|---|---|---|
| 13 | Tin, the produce of any other place than the United Kingdom or any British possession | 10 per cent. | 20 per cent. |
| 14 | Woollens, the produce or manufacture of the United Kingdom or any British possession | 2 per cent. | 4 per cent. |
| 15 | Ditto, the produce of any other place or country | 4 per cent. | 8 per cent. |
| 16 | Cotton wool not covered by certificate of the payment of export duty at any other port of Bombay | 9 annas per maund of 80 tolas to the seer | 1 Re. 2 as. per maund of 80 tolas to the seer. |
| 17 | Cotton and silk piece goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession | 3½ per cent. | 7 per cent. |
| 18 | Ditto, the produce of any other place | 7 per cent | 14 per cent. |
| 19 | Opium covered by a pass | Free. | Free. |
| 20 | Ditto, not covered by a pass | 24 rupees per seer of 80 tolas. | 24 rupees per seer of 80 tolas. |
| 21 | Salt not covered by a pass | 8 annas per maund of 80 tolas per seer | 8 annas per maund of 80 tolas per seer. |
| 22 | Alum | 10 per cent. | 20 per cent. |
| 23 | Camphor | 10 per cent. | 20 per cent. |
| 24 | Cassia | 10 per cent. | 20 per cent. |
| 25 | Cloves | 10 per cent. | 20 per cent. |
| 26 | Coffee | 7½ per cent. | 15 per cent. |
| 27 | Coral | 10 per cent. | 20 per cent. |
| 28 | Nutmegs and mace | 10 per cent. | 20 per cent. |
| 29 | Pepper | 10 per cent. | 20 per cent. |
| 30 | Rattans | 7½ per cent. | 15 per cent. |
| 31 | Tea | 10 per cent. | 20 per cent. |
| 32 | Vermillion | 10 per cent. | 20 per cent. |
| 33 | Wines and liqueurs | 10 per cent. | 20 per cent. |
| 34 | Spirits, consolidated duty, including any duties levied heretofore through the police. And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon. | 9 annas per imperial gallon | 1 rupee per imperial gallon. |
| 35 | Tobacco. Which duty shall be the minimum Customs duty levied on raw tobacco and all preparations thereof in all the ports of the Bombay presidency, but if at the rate of 5 per cent. on the actual value, a higher duty than 1 rupee 8 annas per maund should be leviable on any preparation of tobacco, the duty shall be levied *ad valorem* at that rate if imported on British bottoms, | 1 Re. 8 as. per maund of 80 tolas per seer | 1 Re. 8 as. per maund of 80 tolas per seer. |

| No. | Enumeration of Goods. | When imported on British bottoms. | When imported on Foreign bottoms. |
|---|---|---|---|
| | and at 10 per cent on foreign bottoms. And the Customs duty laid upon tobacco shall be allowed in settling for the special duty levied on the import of this article into the island of Bombay, which special duty shall be levied at the rate of 9 rupees for the Indian maund. | | |
| 36 | All articles not included in the above enumeration ..... | 3 per cent ..... | 7 per cent. |

And if the collector of Customs shall see reason to doubt whether the goods liable to a different rate of duty according to the place of their production come from the country from which they are declared to come by the importer, it shall be lawful for the collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of goods imported, excepting opium and salt, and all goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import as per Custom-house register, and the goods be identified to the satisfaction of the collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback, unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback, unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the Custom-house registers.

## SCHEDULE B.

*Rates of Duty to be charged on Goods exported by Sea from any Port or Place in the Presidency of Bombay.*

| No. | Enumeration of goods. | Exported on British bottoms. | Exported on Foreign bottoms. |
|---|---|---|---|
| 1 | Bullion and coin ..... | Free..... | Free. |
| 2 | Precious stones and pearls ..... | Ditto..... | Ditto. |
| 3 | Books, maps, and drawings printed in India..... | Ditto..... | Ditto. |
| 4 | Horses and living animals..... | Ditto..... | Ditto. |
| 5 | Opium covered by a pass ..... | Ditto..... | Ditto. |
| 6 | Ditto not covered by a pass ..... | Prohibited..... | Prohibited. |
| 7 | Cotton wool exported to Europe, the United States of America or any British possession in America..... ..... | Free ..... | 9 annas per maund of 80 tolas to the seer. |

| No. | Enumeration of Goods. | Exported on British bottoms. | Exported on Foreign bottoms. |
|---|---|---|---|
| 8 | Ditto ditto exported to places other than above ..... | 9 annas per maund of 80 tolas per seer ..... | 1 rupee 2 annas per maund of 80 tolas to the seer. |
| 9 | Salt having paid the excise of 8 annas a maund. ..... | Free ..... | Free. |
| 10 | Tobacco..... | 1 R. 8 as. per maund of 80 tolas to the seer . | 1 rupee 8 annas per maund of 80 tolas per seer. |
| 11 | All country articles not enumerated or named above ..... | 3 per cent..... | 6 per cent. |

And upon the re-export to Europe, the United States of America or to any British possession in America, or from any other port of the Bombay presidency, of cotton, that has been imported under certificate of the payment of the duty specified in this schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export as per Custom-house registers, the whole amount of export duty levied at the first place of export shall be refunded.

---

## SCHEDULE C.

*Manifest of Goods imported per Commander, from under Colours, viz.*

| Marks. | Numbers. | Packages. | Quantity. | Weight. | Gallons. | Yards. | Description of goods. | Invoice value. | | | Tariff value. | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A. | 1 to 5 | 5 cases | 250 pieces. | | | 3000 | Cambrics ..... Long cloths, bleached .. Long cloths, unbleached Madapollams, bleached . Ditto, unbleached ... Plain muslins ..... | | | | | | | | |

N. B. Articles generally to be specified, excepting such as ironmongery, hard-ware, glass-ware, earthenware, cutlery, perfumery, confectionary, stationery, and such like.

All articles from Great Britain to be entered according to the English weight, not native.

From China, in like manner in China weights.

In imports and exports of bullion or coin, to specify the sort of which they consist.

## ACT No. XXXI. of 1838.

*Passed by the Honourable the President of the Council of India in Council on the 3d December* 1838.

I. It is hereby enacted, that so much of a statute made and passed in the ninth year of the reign of his late Majesty King George the Fourth, entitled, "An Act for improving the Administration of Criminal Justice in the East-Indies," as relates to any person who unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall by menaces or by force demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling-house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling-house any chattel, money or valuable security to the value in the whole of fifty Company's rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the

same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively to such of the felonies punishable under those Acts as are herein-before referred to, shall, from the time of passing this Act, cease to have effect within the territories of the East-India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

II. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of her Majesty's Courts of justice within the territories under the government of the East-India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind

of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by, any person any explosive substance or any other dangerous or noxious thing, or shall cast or throw upon or otherwise apply to any person any corrosive fluid or other destructive matter, with intent in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever with intent to procure the miscarriage of any woman shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VIII. And it is hereby enacted, that on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding, and when such verdict shall be found, the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding four years.

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling house, and shall by any menace or threat put any one being therein in bodily fear, or shall

steal in any dwelling house any property to the value in the whole of fifty Company's rupees or more, or shall break and enter any dwelling house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall together with one or more person or persons rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted, that whosoever shall, with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully or maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn or other grain, or pulse or sugar-cane, whether standing or cut down, or to any part of a wood, coppice, or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling, or shrub, or any underwood, or of any pale, post, or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender, being convicted before a magistrate or justice of the peace, shall for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding fifty rupees, as to the magistrate or justice of the peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall for such second offence be imprisoned with or without hard labour, for such term not exceeding six calendar months, as the convicting magistrate or justice of the peace shall think fit: provided always that nothing in this section contained concerning the stealing of any property or malicious damage, injury or spoil to or upon any real property of a private nature shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting magistrate or justice of the peace) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the magistrate or justice of the peace shall not be paid, either immediately after the conviction, or within such period as the magistrate or justice of the peace shall at the time of conviction appoint, it shall be lawful for the convicting magistrate or justice of the peace to commit the offender to the common gaol or house of correction, to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the magistrate or justice of the peace, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed fifty rupees, and for any term not exceeding four calendar months, when the amount with costs shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent

to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction, by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding, either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security" in the said statute made and passed in the ninth year of the reign of his late Majesty King George the Fourth aforesaid, and that the term dwelling house shall have the same construction as in the said statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable: and every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labour, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the Court in its discretion shall seem meet, not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided, that it shall not be lawful for any Court, under the authority of this Act, to order the transportation of any person being a native of the East-Indies, and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

## ACT No. XXXII. of 1838.

*Passed by the Honourable the President of the Council of India in Council on the 10th December* 1838.

I. It is hereby enacted and declared, that all powers whatever in criminal cases, which by virtue of any law now in force may be exercised by two justices of the peace within and for the provinces, districts, and countries of Bengal, Behar and Orissa, and within and for the presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such justice.

II. And it is hereby enacted, that it shall be lawful for any one such justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 George III. cap. 52, and every such warrant shall have the same force as if it were under the hands and seals of two justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and warrants issued by one such justice of the peace, shall be deemed legal and valid as if the same had been exercised or issued by two such justices.

---

## ACT No. III. of 1839.

*Passed by the Honourable the President of the Council of India in Council on the 18th February* 1839.

I. It is hereby enacted and declared, that within the British territories under the government of the East-India Company, no person whatever is or shall be, by reason of place of birth or by reason of descent, in any proceeding whatever connected with arrears or exactions of rent, excepted from the jurisdiction of the revenue Courts, anything in Act No. XI. of 1836 contained notwithstanding.

II. And it is hereby enacted, that no such proceeding which may have been instituted before the passing of this Act in any such Court, and no decree which may have been passed before the passing of this Act in any such proceeding by any such Court, shall be treated as invalid by reason of the place of birth or by reason of the descent of any party to such proceeding or to such decree.

III. And it is hereby enacted, that within the said territories no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever connected with arrears or exactions of rent excepted from the jurisdictions of the Courts of the moonsiffs.

## ACT No. XV. of 1839.

*Passed by the Honourable the President of the Council of India in Council on the 10th June 1839.*

I. It is hereby enacted, that if any person on or after the day on which this Act will come into operation, as herein-after provided, lands or attempts to land in any part of the territories subject to the Government of the Presidency of Fort St. George, any foreign sugar, or any sugar which is the growth of any British possession into which foreign sugar can be legally imported, such sugar shall be seized and confiscated by the collector of the Customs, or by any other officer thereunto authorized by the Governor in Council of the said Presidency: provided always, that sugar which is the growth of any part of the Presidency of Fort William, in Bengal, into which foreign sugar, and sugar which is the growth of any British possession into which foreign sugar may be legally imported, are prohibited from being landed, may, during such prohibition, be landed in the said territories as heretofore.

[Importation prohibited into territories subject to Fort William, by No. 32 of 1836.]

II. And it is hereby enacted, that if any person being in possession of sugar, the produce of the said territories, desires to obtain a certificate of origin from the collector or assistant collector of the land or Custom revenue of any district within the said territories, or from any other officer appointed by the Governor in Council of Fort St. George to give such certificates, such person shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the schedule hereunto annexed, marked A.

III. And it is hereby enacted, that the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the schedule hereunto annexed, marked B.

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of Customs at that place, or to any other officer who may have been appointed by the Governor in Council of Fort St. George, to act on such occasions instead of the collector of Customs, a certificate such as is above described, and also in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the form contained in the schedule hereunto annexed, marked C.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration, a certificate in the form contained in the schedule hereunto annexed, marked D.

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be

punished by fine to an amount not exceeding five thousand rupees, and imprisonment, with or without hard labour, for a term not exceeding two years.

VII. And it is hereby enacted, that this Act shall come into operation at the expiration of one year after the passing of this Act.

---

## SCHEDULES.

### A.

I, *A. B.*, solemnly declare that all the sugar herein-under described is, to the best of my knowledge and belief, the produce of this district of

*Description of the Sugar to which the Declaration relates.*

| Quantity. | Quality. | Number and denomination of Packages. |
|---|---|---|
| | | |

The day of 18 . (Signed) *A. B.*

### B.

I, *C. D.*, collector of land revenue (or collector of Custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for this district of , do hereby grant this certificate under my hand and seal, that the sugar herein-under described is of the produce of this district of , and that the importation of foreign sugar, and of sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district of

*Description of the Sugar to which this Certificate relates.*

| Quantity. | Quality. | Number and denomination of the Packages. | Name of the Declarant on whose Declaration the Certificate is given. |
|---|---|---|---|
| | | | |

L. S. (Signed) *C. D.*

### C.

I, *E. F.*, shipper of the sugar herein-under described, solemnly declare that all the sugar herein-under described is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

*Description of the Sugar to which the Declaration relates.*

| Quantity. | Quality. | Number and denomination of Packages. | Name of Ship in which the Sugar is shipped or to be shipped. | Name of the Master of the Ship. |
|---|---|---|---|---|
| | | | | |

(Signed) *E. F.*

D.

I, *G. H.*, collector of Customs (or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the port of , certify, under my hand and seal, that there has been produced to me by *E. F.*, the shipper of the sugar herein-under described, a certificate under the hand and seal of *C. D.*, collector of land revenue, (or collector of Custom revenue, or being an officer appointed by the Governor in Council of Fort St. George to act in this behalf) for the district of in the territories subject to the government of the Presidency of Madras, which certificate certifies that the said sugar is the produce of the said district, and that the importation of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

*Description of the Sugar to which this Certificate relates.*

| Quantity. | Quality. | Number and denomination of Packages. | Name of the Ship. | Name of the Master of the Ship. |
|---|---|---|---|---|
| | | | | |

L. S. (Signed) *G. H.*

# INDEX

# INDEX.


PAGE

ACCOUNTS. (See Board of Commissioners, Parliament, and Stock.)

ACTS. (See Continuing Bills.)

ACTS OF THE GOVERNMENT OF INDIA. (See Governor-general and Council of India.)

ACTIONS, not to be stayed or compromised by the Company, their officers and servants, or the Court of Directors, before final judgment, unless with approbation of the Board ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 68) 92

—— all suits and prosecutions for anything done under or by virtue of 33 *Geo.* 3, *cap.* 52, to be commenced within three years after cause of complaint, or if done in Great Britain in the absence of any person aggrieved thereby, within three years of the return of such person to Great Britain . (*sec.* 162) 106

—— same provision with regard to proceedings under 53 Geo. 3, cap. 155 (53 *Geo.* 3, *cap.* 155, *sec.* 124) 194

—— no action to be commenced for anything done under 55 Geo. 3, cap. 84, until after twenty days' notice, nor after sufficient satisfaction or tender thereof shall have been made, nor after three years after cause of complaint shall have arisen; defendants may plead general issue, and give special matter in evidence; plaintiffs to be nonsuited if sufficient satisfaction or tender proved or action not commenced within limited time, or in any other manner than as directed; the defendant to have treble costs if plaintiff be nonsuited, or discontinue his action, after defendant has appeared, or judgment be given against plaintiff upon demurrer, or similar objection, or where verdict or judgment in nature of verdict, shall pass for defendant ... ... ... (55 *Geo.* 3, *cap.* 84, *sec.* 9) 203

(See also Court of King's Bench, Mandamus, Officers and Servants of Company, and Residence.)

ADMINISTRATION of effects of British subjects dying in India intestate—in default of next of kin or creditor appearing after citation in proper Ecclesiastical Court, and satisfactorily establishing claim, the registrar of the Court to administer and account ... (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 21) 131

—— letters of administration thus granted to be recalled on establishment of claim by next of kin or creditor absent at return of the citation (*sec.* 22) 131

—— letters of administration to be granted to attornies having sufficient autho-

ADMINISTRATION, &c.—*continued:*

PAGE

rity from executors, next of kin, or residuary legatees, in preference to the registrar of the Court, and all other persons over whom the principal would have had a preferable claim if resident within the jurisdiction of the Court ... ... ... ... (55 *Geo.* 3, *cap.* 84, *sec.* 2) 198

—— on application of attorney duly appointed, letters of administration granted to registrar to be revoked, unless unreasonable delay has taken place either in furnishing the authority or making application under it; Court may order the whole or part of any commission in respect to administration due by any reasonable custom to be allowed to the registrar; not necessary for attornies to take out of letters of administration otherwise than if Act had not been made; no claim to commission to accrue to them thereby other than would have been payable to them as agents according to usual rates or by special agreement ... ... ... ... (*sec.* 3) 199

—— Act not to affect rights or interests arising before its passing ... (*sec.* 4) 200

—— Registrar to enter in a book separate account of each estate to which he has been appointed administrator; book to be open to inspection of all persons at office hours on payment of reasonable fee to be fixed by Courts; Registrar twice a year to exhibit and deliver in open Court schedules of accounts to be filed and published in *Gazette* of Presidency within fourteen days; copies in triplicate to be delivered to Chief Secretary of Presidency and transmitted by Government to Court of Directors, who shall cause them to be published in the *London Gazette* ... ... (*sec.* 5) *ib.*

—— to effects of deceased officers and soldiers. (See Army.)

ADMIRALTY. Commission for trial of prize causes and maritime questions arising in India may be issued from the High Court of Admiralty, and Judges of Supreme Courts of Fort William and Madras, and Recorders Court at Bombay, either alone or jointly with other persons named as Commissioners ... ... ... (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 25) 132

—— Acts of Surrogates of Vice-Admiralty Courts abroad appointed by Judges or by Governors of plantations and colonies to be valid during vacancies occasioned by deaths, resignations, or removals of Judges (56 *Geo.* 3, *cap.* 82) 204

—— Regulations respecting practice, fees, and jurisdiction of Vice-Admiralty Courts abroad ... ... (2 *Wm.* 4, *cap.* 51, *sec.* 1 *to* 6) 366, 367

—— Appeals from Admiralty and Vice-Admiralty Courts to be to the King in Council ... ... ... (3 & 4 *Wm.* 4, *cap.* 41, *sec.* 2) 375

—— Admiralty jurisdiction as exercised by Supreme Court at Fort William may be extended to his Majesty's Court of Judicature of Prince of Wales' Island, &c.; warrant for letters patent to be countersigned by President of Board of Control ... ... (6 & 7 *Wm.* 4, *cap.* 53, *sec.* 1 & 2) 469

AGENTS. (See Factors or Agents, and Officers and Servants.)

AGRA, Presidency of, created ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 38) 427

—— Court of Directors, with approbation of Board, may suspend provisions for dividing territories, subject to Presidency of Fort William, into two Presidencies, Fort William and Agra (5 & 6 *Wm.* 4, *cap.* 52, *sec.* 1) 460

(See also Governor-general and Council of India.)

PAGE

AMERICA. American vessels allowed to clear out of ports of the United Kingdom for the British dominions in the East-Indies, under the same regulations as British vessels; duration of the Act to be that of the Convention between his Majesty and the United States (59 *Geo.* 3, *cap.* 54, *sec.* 6 & 12) 208, 209

APPEALS, 10,000 rupees fixed as the *minimum* for which an appeal will lie to the Privy Council from any Court in India ... ... ... .. 112

—— constitution of Judicial Committee of Privy Council (3 & 4 *Wm.* 4, *cap.* 41, *sec.* 1) 374

—— from Admiralty and Vice-Admiralty Courts. (See Admiralty.)

—— all appeals to be referred to Judicial Committee—modes of proceeding, costs, time of appealing, &c. ... ... ... (*sec.* 3 *to* 21) 376 to 378

—— his Majesty in Council may give directions to the Company or other persons for bringing to a hearing appeals from the several Courts of Sudder Dewanny Adawlut, and for appointing agents and counsel for the different parties, and may make orders for the security and payment of costs; whereupon such appeals may be heard and determined, but last-mentioned powers not to extend to any appeal, except where no proceedings may have been taken in England on either side for two years subsequent to admission of appeal by Court of Sudder Dewanny Adawlut; orders to have effect notwithstanding death of parties, but where appeal has been withdrawn or discontinued, or compromise made, determination of council thereon to have no effect; his Majesty in Council may make rules from time to time regulating the mode, form, and time of appeal from all Courts eastward of the Cape of Good Hope, from which an appeal lies to the King in Council; and also for preventing delays, regulating expenses, and fixing amount for which appeal may be made ... (*sec.* 22, 23, & 24) 378, 379

—— powers of Judicial Committee, and of his Majesty in Council, to punish contempts, compel appearances, and enforce judgments, decrees, and orders (*sec.* 28) *ib.*

APPOINTMENTS, provisional. (See Provisional Appointments.)

APPROPRIATION OF REVENUES. (See Directors, Security Fund, and Stock.)

ARCOT, Nabobs of Arcot and Carnatic, claims of not to be prejudiced (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 18) 422

ARMY OF THE CROWN, Board of Commissioners for the Affairs of India may direct expenses of forces sent to India to be paid out of the revenue of that country (28 *Geo.* 3, *cap.* 8, *sec.* 1 & 2) 69, 70

—— number limited to 20,000 men, unless greater number sent on requisition of Court of Directors ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 87) 178

—— Company discharged from all claims on account of computed to 30th April 1822, and Crown released from all claims on account of money advanced by Company for its service; stores and public property in St. Helena to become property of Company ... ... (3 *Geo.* 4, *cap.* 93, *sec.* 3) 227

—— claims of Crown in respect of spices and proceeds thereof not to be affected, nor claims of Company to money due for hemp, nor to any bills of exchange drawn in India on his Majesty's Government in respect of current public service prior to 30th of April 1822 ... ... (*sec.* 4) *ib.*

ARMY OF THE CROWN—*continued.*

PAGE

—— Company to pay £60,000 per annum in respect of retiring pay, pensions, and other like expenses of his Majesty's forces serving in India (4 *Geo.* 4, *cap.* 71, *sec.* 1.) 228

—— soldiers' letters. (See Postage.)

ARMY, COMPANY'S, no more cadets than necessary to be sent out (33 *Geo.* 3, *cap.* 52, *sec.* 59) 90

—— age of cadets not to be under fifteen nor more than twenty-two; certificate of age under hand of minister of the parish or keeper of the register of baptisms to be delivered; if no register can be found affidavit to be made; but Court may appoint any person who has been one year a commissioned officer in the service of the Crown, or in the militia or fencibles, and hath been called into actual service, or from the Company of cadets in the royal regiment of artillery, whose age shall not exceed twenty-five years (*sec.* 60) 90

—— military seminary. (See Military Seminary.)

—— Company by licence from the Crown may raise recruits for service in India (21 *Geo.* 3, *cap.* 65, *sec.* 32) 40

—— deserters may be apprehended and imprisoned ... ... (*ib.*) *ib.*

—— ———— ... ... (39 *Geo.* 3, *cap.* 109, *sec.* 14) 121

—— Crown may order levy of troops to serve in the East-Indies, either in his Majesty's or the Company's forces (39 *Geo.* 3, *cap.* 109, *sec.* 1 & 2) 118

—— may cause recruits to be transferred to service of Company ... (*sec.* 3) 119

—— Company not obliged to receive invalids ... ... (*sec.* 4) *ib.*

—— Company to pay sums agreed upon to reimburse expenses of enlistment and

—— costs of subsistence ... ... ... ... (*sec.* 5) *ib.*

—— Company may train men in Great Britain, Guernsey, and Jersey, and draft

—— them to be sent abroad as necessary ... ... (*sec.* 6) 120

—— Company may appoint commissioned and non-commissioned officers, &c. (*sec.* 7) *ib.*

—— limit as to number of men and officers ... ... (*sec.* 8) *ib.*

—— Company may appoint quarter-masters, pay-masters, &c. (*sec.* 9) 121

—— rates of pay to be allowed to officers, and provision as to clothes (*sec.* 10 & 11) *ib.*

—— officers and men to be subject to commandants of garrisons, and partake in duties; orders of Company to be given through commandants (*sec.* 12 & 13) *ib.*

—— persons apprehending deserters to be entitled to such rewards only as the Company may voluntarily give ... ... ... (*sec.* 15 122

—— officers and soldiers till embarkation subject to annual Mutiny Act (*sec.* 16) *ib.*

—— general and regimental courts-martial may be held (*sec.* 18 & 19) 122, 123

—— offences committed after embarkation may be tried on arrival (*sec.* 20) *ib.*

—— Directors to make report of number of men raised. (See Directors.)

—— men may be raised to serve the Company only, and either for life or limited time ... ... ... ... (50 *Geo.* 3, *cap.* 87, *sec.* 1) 151

—— to be subject to Mutiny Act till embarkation ... ... (*sec.* 2) 152

—— provisions of Mutiny Act as to quartering, billetting, and providing of carriages, to extend to Company's troops ... ... ... (*sec.* 3) *ib.*

ARMY—*continued*:


PAGE

—— men above eighteen may enlist for twelve years, and if under eighteen for further period equal to difference between actual age and eighteen years (50 *Geo.* 3, *cap.* 87, *sec.* 4) 152

—— may re-enlist at expiration of limited period ... ... ... (*sec.* 5) *ib.*

—— persons enlisting militia men for Company's service subject to penalties ... ... ... (57 *Geo.* 3, *cap.* 57, *sec.* 3) 204

—— but local militia men may enlist ... (50 *Geo.* 3, *cap.* 87, *sec.* 6) 153

—— his Majesty may direct manner of holding courts-martial ... (*sec.* 7) *ib.*

—— Court of Directors may restore military officers dismissed by sentence of court-martial, but restoration not valid without consent of Board ... (51 *Geo.* 3, *cap.* 75, *sec.* 4 & 5) 158, 159

—— Court, with approbation of Board, may permit officers of the rank of general officer, colonel commanding a regiment, or lieutenant-general commandant of a regiment, having departed from India with leave, to have rank and be again capable of serving, although he may have been absent more than five years, and absence not caused by sickness, infirmity or inevitable accident ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 84) 177

—— provisions of 50 Geo. 3, cap. 8, extended to Ireland (52 *Geo.* 3, *cap.* 122. *sec.* 1) 160

—— local governments to make regulations and articles of war for native troops, for courts-martial, and all other purposes; to be promulgated in conformity with provisions of 37 Geo. 3, cap. 5 ... (53 *Geo.* 3, *cap.* 155, *sec.* 96) 183

—— former laws, regulations, articles, usages, and proceedings holden under them, confirmed ... ... ... ... ... (*sec.* 97) *ib.*

—— prize money. (See Prize Money.)

—— desertion and numerous other offences, provisions against (4 *Geo.* 4, *cap.* 81, *sec.* 1) 238

—— in any foreign state or country under the protection of the Crown or Company, or at any place other than Prince of Wales' Island, more than 120 miles from Presidency, persons subject to military law may be tried by court-martial for capital crimes; persons thus liable, and against whom no proceeding has been commenced in any ordinary Court, to be apprehended and given over to commanding officer; sentence of death or transportation for offences committed within territories under government of the Company not to be carried into effect till confirmed by the officer commanding at the Presidency, with the concurrence of the Governor-general in Council, or Governor in Council ... ... ... ... (*sec.* 2 *to* 4) 240

—— Deserters re-enlisting into the service of the Crown or Company liable to punishment of desertion, and also to punishment for crimes committed in regiment into which subsequent enlistment took place; subsequent desertion may be given in evidence in aggravation, notice being given to the deserter ... ... ... ... ... (*sec.* 5 & 6) 241

—— desertion may be punished by transportation, and sentence of death commuted for transportation by officer commanding in chief; return from transportation punishable with death ... ... (*sec.* 7 & 8) *ib.*

—— deserters may be sentenced to general service, limited service men to serve for

ARMY—*continued.*

PAGE

life or for extended term of years, or to forfeiture of advantage of increase of pay, pension, or discharge, or to be marked (4 *Geo.* 4, *cap.* 81, *sec.* 9, 10, 11) 242

—— sentence of transportation to be notified to some Judge of the Supreme Court of the Presidency, by whom order for carrying it into effect is to be made (*sec.* 12) *ib.*

—— offenders sentenced to death, whose punishment is conditionally remitted, to be subject to laws of escape of felons and also their abettors (*sec.* 13) 243

Governor-general or Governor in Council may suspend proceedings (*sec.* 14) *ib.*

—— commission from the Crown may be granted to Court of Directors, who thereupon, under the seal of the Company, may empower the Governor-general in Council, and Governors in Council, to appoint courts-martial, and empower general or other officers commanding any body of the Company's force, to appoint as well as to authorize officers under their command, not below the rank of field officer, to convene general courts-martial ... ... ... ... ... (*sec.* 15) *ib.*

—— no one to be tried more than once for the same offence, except in case of appeal; no sentence given by any court-martial, and signed by the President, to be reviewed more than once; soldiers liable to be proceeded against in ordinary course of law, unless tried under provisions of the second section ... ... ... ... ... (*sec.* 16) *ib.*

—— soldiers accused of capital crimes, or of violence, or of offences punishable by the law, to be delivered over to the civil magistrate, and if convicted in any of his Majesty's Courts of Record, to be cashiered, and rendered incapable of holding civil or military office under the Company in the East-Indies, if certificate of sentence be forwarded to Judge Advocate-general; but no person to be delivered to the civil magistrate who has been tried by a court-martial under the second section, or towards whose trial any effectual proceedings have been taken; no person acquitted or convicted by civil magistrate to be liable to be punished by court-martial except by cashiering ... ... ... ... ... ... (*sec.* 17) 244

—— officers and soldiers to receive no pay while imprisoned; if acquitted, to receive arrears; if convicted, pay forfeited till the day of return to regiment ... ... ... ... ... ... (*sec.* 18) *ib.*

—— general courts-martial, number of which they are to be composed under various circumstances ... ... ... (*sec.* 19 & 20) 244, 245

—— imprisonment, solitary or otherwise, in any fortress, garrison, or other safe place of custody, or corporal punishment not extending to life or limb may be inflicted, by sentence of general court-martial, or non-commissioned officers and soldiers, for immoralities, misbehaviour, or neglect of duty, with forfeiture of advantages which might have accrued from length of service; pay to be forfeited during imprisonment ... (*sec.* 23 *to* 25) 246

—— oath or solemn declaration to be administered to witnesses (*sec.* 26) *ib.*

—— oaths to be taken by members of courts-martial before any proceedings shall be had ... ... ... ... (*sec.* 27 & 28) 246, 247, 248

ARMY—*continued.*

PAGE

—— provision as to concurrence of sufficient number of members of general court-martial in sentence of death, hours of proceeding, privilege of witnesses and attachment for non-attendance ... (4 *Geo.* 4, *cap.* 81, *sec.* 27) 247

—— president of courts-martial not general not to be under rank of captain, and appointed by commanding officer of regiment, detachment, or brigade, or governor of garrison ... ... ... ... ... (*sec.* 28) 248

—— officers of the forces of the Crown and of those of the Company may sit in conjunction; if person tried belong to King's forces, the provisions of the Act then in force for the punishment of mutiny and desertion shall be followed; if person tried belong to Company's forces, the provisions of this Act ... ... ... ... ... ... (*sec.* 29) *ib.*

—— appointment of courts-martial to be in officers commanding the forces of the Crown within the presidencies ... ... ... ... (*sec.* 30) *ib.*

——. persons tried by general court-martial within presidency, may have copy of proceedings on application within six months; if tried elsewhere, within twelve months, paying reasonably for the same, whether sentence approved or not ... ... ... ... ... ... (*sec.* 31) 249

—— original of proceedings and sentence to be forwarded to Judge-Advocate General ... ... ... ... ... ... (*sec.* 32) *ib.*

—— King to make articles of war. Copies to be transmitted to Judges at Westminster, Dublin, Edinburgh, and in India, and to Governors of Colonies, within the limits of the Charter. Royal commission to be issued for holding courts-martial for trial of persons under articles of war; but no person to be thereby subject to punishment extending to life or limb within the dominion of his Majesty's Government, or the territories under the government of the Company, for any crime committed within one hundred and twenty miles of the presidency, not expressed to be so punishable by this Act ... ... ... ... ... (*sec.* 33, 34, & 35) *ib.*

—— offenders may be tried in places other than where the offences may have been committed ... ... ... ... ... (*sec.* 36) 250

—— offenders may be tried by General Courts-Martial consisting of King's officers alone, where no officers of the Company can conveniently be had ... ... ... ... ... ... (*sec.* 37) *ib.*

—— musters. Making, giving or procuring false certificate to excuse absence from, to subject officers to penalty of four hundred sicca rupees, to be cashiered and disabled from serving Company in the East-Indies. No certificate to excuse absence, except on ground of soldier being employed on other duty of the regiment, sick, in prison, or on furlough; officer making or knowingly allowing false musters, or directly or indirectly taking money for signing muster-rolls, to be cashiered and prohibited from serving the Company. Mustering by wrong names liable to same penalties as false musters ... ... ... (*sec.* 38 *to* 40) 250, 251

—— embezzlement and similar offences committed by paymaster or other commissioned officer, storekeeper, commissary, &c. punishable by transportation, fine, imprisonment, dismissal from service, and incapacity of serving again, at the discretion of the Court. Officer convicted, to make good loss

ARMY—*continued.*

PAGE

or damage ascertained; amount to be recoverable in any Court of law having jurisdiction, and after recovery to be disposed of by Government. Embezzlement by non-commissioned officers punishable by reduction to the ranks, with stoppages till the money be made good, and such corporeal punishment, not extending to life or limb, as the Court shall think fit. Paymasters not to take fees, nor make any but the usual deductions, according to regular rule. Paymasters withholding from officers pay and allowances one month, or refusing to issue them to non-commissioned officers and soldiers when due, according to regulations, to be liable to be discharged, to forfeit to the informer eight hundred sicca rupees, and to such further punishment as may be awarded (4 *Geo.* 4, *cap.* 81, *sec.* 41 to 44) 251, 252

—— Governments may give orders for withholding pay of any officer, non-commissioned officer, or soldier, for any period during which he may be absent without leave ... ... ... ... (*sec.* 44) *ib.*

—— officers and persons serving in artillery, trains of artillery, department of engineers, corps of engineers, military surveyors or draftsmen, sappers and miners, pioneers, all persons under the ordnance, the medical establishment, licensed suttlers, and their followers, to be subject to this Act (*sec.* 45) *ib.*

—— enlistment. Recruits concealing infirmities rendering them incapable of active service, may be transferred and subjected to diminution of bounty (*sec.* 46) *ib.*

—— a person acknowledging himself a deserter to be deemed nevertheless duly enlisted ... ... ... ... ... ... (*sec.* 54) 254

—— officers and men after embarkation to be subject to this Act ... (*sec.* 47) 252

(See Annual Mutiny Act, 2 & 3 Vic., cap. 5, sec. 32.)

—— offences during passage may be tried and punished after arrival ... (*sec.* 48) *ib.*

—— effects of deceased officers and soldiers. Debts for military clothing and quarters, mess or regimental accounts, or for advances to be deemed regimental debts and paid in preference to other claims—provision for carrying this into effect—surplus may be paid to persons entitled—regimental debts may be paid, surplus not exceeding 200 sicca rupees distributed, and sum not exceeding 200 sicca rupees due to any deceased officer his relations or their representatives, be paid without obtaining probate of will or other administrative authority, and without payment of stamp or legacy duty ... ... ... ... ... (*sec.* 49 to 51) 253

—— officers employed to take care of effects of deceased officers and soldiers, may collect them and take legal remedies without letters of administration (6 *Geo.* 4, *cap.* 61, *sec.* 1) 266

—— effects remitted to agents not deemed assets within the province in which agent resides so as to render administration necessary, unless administration to any other effects of deceased shall be taken out in the province—effects of European officers or soldiers may be remitted to any place where they can be most conveniently paid over ... ... ... (*sec.* 2) 267

—— payment of expenses of illness and of funeral charges may be directed out of effects, together with all regimental debts and military payments, and surplus only deemed personal estates of deceased ... ... (*sec.* 3) *ib.*

ARMY—*continued.*

PAGE

—— discharge. Soldiers entitled to discharge to be sent to Great Britain or Ireland free of expense, and to receive marching money from the place of landing to the place where enlisted, such soldiers until arrival and debarkation to be subject to this Act and Articles of War (4 *Geo.* 4, *cap.* 81, *sec.* 52 & 53) 254

—— soldier's debts—no soldier liable to process or execution except for criminal matters, or debt sworn to as amounting to 200 sicca rupees above costs of suit—judges may discharge soldier arrested contrary to Act, but plaintiff on giving written notice of action may file a common appearance, and thereupon proceed to judgment and outlawry and execution thereon—when troops are serving beyond jurisdiction of Courts of Request of the Presidency, debts not exceeding 400 sicca rupees to be cognizable by a military court, consisting if practicable of five commissioned officers, but in no case of less than three—president not to be under the rank of captain—oaths to be taken by members of Court—witnesses to be examined on oath or solemn affirmation—provisions for examination—soldier confined for debt not to receive pay until return ... (*sec.* 55 to 58) 254 to 256

—— soldiers taken prisoners to forfeit pay, except adjudged to be entitled thereto by court-martial ... ... ... ... (*sec.* 59) *ib.*

—— persons employed in commissariat, or as storekeepers, civil officers employed in ordnance, and all persons acting under command of any general or other officer, to be subject to this Act and to Articles of War (*sec.* 60) 257

—— troops in places under the government of the Company, or occupied by their servants or forces, while under the command of Company's officers, to be subject to military law and discipline as Company's other forces (*sec.* 61) *ib.*

—— Native troops—present Act not to affect 53 Geo. 3, cap. 155, as to native troops ... ... ... ... ... ... (*sec.* 62) *ib.*

—— Native troops wherever serving to be subject to Articles of War of the Presidency to which they may belong, and to the established usages (*sec.* 63) *ib.*

—— Governor-general of India in Council to make Articles of War, and such orders shall be of exclusive authority over all native officers and soldiers to whatever Presidency they may belong, or wherever serving, but not while former Articles of War in force ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 73) 436

—— Perjury—persons giving false testimony on oath, or solemn declaration, in any case, under this Act to be subject to penalties of perjury—commissioned officers to be cashiered—non-commissioned officers, soldiers, or other persons, punished at discretion ... (4 *Geo.* 4, *cap.* 81, *sec.* 64) 258

—— In actions, &c. brought for anything done under this Act the general issue may be pleaded, and special matter given in evidence. In case of verdict for defendant, nonsuit, or discontinuance of action, treble costs to be allowed. Suits to be brought in Courts of Record at the Presidency, or in Courts of Record at Westminster only ... ... ... (*sec.* 65 & 66) *ib.*

—— persons concealing deserters, or receiving arms, clothes, grain, forage, &c.; and persons persuading soldiers to desert subject to penalties (*sec.* 67 & 68) 258, 259, 260

ARMY—*continued.*

PAGE

— penalties recoverable in Court of Record of Presidency. No action to be brought unless commenced within six months after offence (4 *Geo.* 4, *cap.* 81, *sec.* 69 & 70) 260

— offence under former Mutiny Act punishable, but not if committed more than three years before issuing of the commission or warrant for trial of the offender, unless from absence or other manifest impediment, the offender has not previously been amenable to justice, in which case he may be tried at any time not exceeding two years after the impediment shall have ceased, or unless the conduct of the accused person shall have been submitted for the consideration of the Court of Directors, when the commission or warrant may be issued at any time within five years ... (*sec.* 71) *ib.*

— existing regulations and orders, though not provided for by former Acts, to be in force till present Act published ... ... ... (*sec.* 72) *ib.*

(See Marine.)

— Presidency of Fort William, though divided, to be deemed entire for purposes of Mutiny Act and Articles of War, 3 & 4 Wm. 4, cap. 85, sec. 72 436

The following sections of the Annual Mutiny Act are applicable to the forces of the East-India Company:—

— general court-martial, number of ... (2 & 3 *Vic.*, *cap.* 5, *sec.* 6) 491

— powers of ... ... ... ... ... ... (*sec.* 7) 492

— mixture of officers on ... ... ... ... (*sec.* 13) *ib.*

— proceedings of ... ... ... ... ... (*sec.* 15) 493

— sentence of transportation, period of, in East-Indies ... ... (*sec.* 19) *ib.*

— fraudulent confession of desertion ... ... ... ... (*sec.* 23) *ib.*

— forces of East-India Company subject, under certain circumstances, to Act for punishing mutiny and desertion, &c. ... ... ... (*sec.* 32) 494

— enlisting and swearing recruits—dissent and relief from enlistment—offences connected with enlistment—apprentices' articles, &c. (*sec.* 36 *to* 39, *sec.* 42 *to* 44) 495 to 499

— billetting of troops and supply of carriages ... (*sec.* 52 & 57) 499 a 501

— unlawful recruiting ... ... ... ... ... (*sec.* 67) *ib.*

— duration of Act ... ... ... ... ... (*sec.* 80) 502

(See Officers and Servants.)

ASIATIC SEAMEN. (See Seamen.)

ASSIGNMENT OF INTEREST. (See Stock.)

ATTACHMENT. (See Stock.)

ATTORNEY. (See Stock.)

AUCTIONS AND AUCTIONEERS, duties on not to extend to sales by East-India Company (17 *Geo.* 3, *cap.* 50) 34

— ——— ... ... ... (19 *Geo.* 3, *cap.* 56) 35

— ——— ... ... ... (43 *Geo.* 3, *cap.* 69, *sec.* 4) 136

— ——— ... ... ... (45 *Geo.* 3, *cap.* 30, *sec.* 6) 138

BALLOT, upon any question proposed in General Court, not to begin later than 12 o'clock, nor close before 6 ... (7 *Geo.* 3, *cap* 49, *sec.* 3) 20

BALLOT—*continued.*

PAGE

—— not to take place within less than twenty-four hours after adjournment (10 *Geo.* 3, *cap.* 47, *sec.* 3) 21

(See also General Court.)

BANK OF ENGLAND, Governor, Deputy-Governor, or Director. (See Directors.)

BANKS IN INDIA, governments may establish public banks, with perpetual succession and corporate rights; but establishment not to be valid or effectual till approved by Court of Directors, subject to the control of the Board of Commissioners ... ... (47 *Geo.* 3, *sess.* 2, *cap.* 68, *sec.* 8) 143

—— servants of the Company may subscribe, and may become managers or directors of such banks ... ... ... ... (*sec.* 9) 144

—— Judges of the several Courts of Justice in India may subscribe; but no Judge of any Court established by Charter from the Crown, to be a director or manager ... ... ... ... (*sec.* 9 and 10) *ib.*

BANKRUPTS, corporations may prove debts against, by agent, on shewing that he is such agent, and is authorized to make proof (6 *Geo.* 4, *cap.* 16, *sec.* 46) 265

—— notice of Act of Bankruptcy to accredited agent to be deemed notice to the Corporation or Company ... ... ... ... (*sec.* 85) 266

—— (See Stock.)

BENARES. (See Court Supreme.)

BILLS in Parliament. (See Continuing Bills.)

BILLS of EXCHANGE, Company not to discount ... (7 *Geo.* 1, *cap.* 5, *sec.* 33) 15

—— acceptance payable at a banker's or other place, deemed a general acceptance —payable at such place only, a qualified acceptance (1 & 2 *Geo.* 4, *cap.* 78, *sec.* 1) 226

—— no acceptance of inland bill sufficient, unless in writing on the bill or one of the parts ... ... ... ... ... ... (*sec.* 2) 227

—— provisions for bills falling due on Good Friday, Christmas Day, fast and thanksgiving days ... (7 & 8 *Geo.* 4, *cap.* 15, *sec.* 1 *to* 4) 286, 287

—— bills not accepted on presentment may be protested in the place where made payable by the drawers ... ... (2 & 3 *Wm.* 4, *cap.* 98) 368

—— accepted for honour need not be presented to acceptor or referee till day after falling due, and if residence of acceptor or referee be in any other place than where payable need not be forwarded till day after falling due—if day following be Sunday, Good Friday, Christmas Day, fast or thanksgiving day, presentment or transmission may be delayed one day longer ... ... ... (6 & 7 *Wm.* 4, *cap.* 58, *sec.* 1 & 2) 469, 470

BOARD of Commissioners for Affairs of India to be constituted by letters patent or commission from the Crown ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 2) 71

—— may be constituted by commission from the Crown under the great seal, and all previous provisions and enactments not repealed or repugnant to 3 & 4 Wm. 4, cap. 85, be applicable to the commissioners so nominated (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 19) 422

—— certain great officers of state to be *ex officio* commissioners, to have power as if nominated in order mentioned in the Act next after the commissioners first named in the commisssion ... ... ... (*sec.* 20) 423

—— two commissioners to form a board ... ... ... ... (*sec.* 21) *ib.*

BOARD, &c.—*continued.*

PAGE

—— first-named commissioner to be president ... (33 *Geo. cap.* 52, *sec.* 3) 72
(3 & 4 *Wm.* 4, *cap.* 85, *sec.* 21) 423
—— in his absence commissioner whose name stands next in commission to preside
(33 *Geo.* 3, *cap.* 52, *sec.* 3) 72
—— or the commissioner next in order of nomination of the Act
(3 & 4 *Wm.* 4, *cap.* 85, *sec.* 21) 423
—— president, or commissioner acting as such, to have casting vote
(33 *Geo.* 3, *cap.* 52, *sec.* 4) 72
(3 & 4 *Wm.* 4, *cap.* 85, *sec.* 22) 423
—— may appoint secretaries and officers—proceedings to be entered in books—salaries to be fixed by his Majesty and with all contingent charges to be paid quarterly by the Company, the amount having been previously allowed by the Board and certified by the president or acting president
(33 *Geo.* 3, *cap.* 52, *sec.* 5) 72
—— may appoint two secretaries and other officers, each secretary to have same powers, &c. as chief secretary—president, but no other commissioner as such, and secretaries and officers to be paid salaries fixed by the Crown
(3 & 4 *Wm.* 4, *cap.* 85, *sec.* 23) 423
—— proceedings to be signed by secretary or assistant secretary
(53 *Geo.* 3, *cap.* 155, *sec.* 72) 173
—— annual expenses of, restricted to £26,000 ... (*sec.* 90) 180
—— accounts of expenses to be laid before Parliament. (See Parliament.)
—— Superannuations. (See Superannuations.)
—— commissioners to take oath ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 6) 73
—— secretaries and other officers to take oath of secrecy, and for the execution of their duties, if required ... ... (3 & 4 *Wm.* 4. *cap.* 85, *sec.* 24) 423
—— appointment of commissioner or secretary not to disqualify from sitting in Parliament, nor appointment of member of House of Commons to be commissioner without salary, or to be chief secretary, to vacate seat
(33 *Geo.* 3. *cap.* 52, *sec.* 8) 73
—— commissioners, secretaries, and servants, on 22 April 1834, to continue till appointments revoked ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 26) 424
—— to have access to books, papers, &c. to be assisted by officers of Company in searches, and furnished with such copies or extracts as may be required
(33 *Geo.* 3, *cap.* 52, *sec.* 10) 74
—— may require accounts, statements, and abstracts, which the Court of Directors are to prepare ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 78) 174
—— to receive from Court of Directors copies of Minutes, of Courts of Proprietors, and Courts of Directors, within eight days
(33 *Geo.* 3, *cap.* 52, *sec.* 11) 74
—— ———— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 29) 425
—— and copies of letters received from the East-Indies and other settlements or factories, relating to civil or military government or revenue, immediately after arrival ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 11) 74
—— and copies of all the letters, &c. which may be material to be communicated, or the Board may require ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 29) 425

BOARD, &c.—*continued.*

PAGE

—— but Court not required to submit for consideration of Board communications with their officers and servants on the home establishment or with the legal advisers of the Company ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 34) 426

—— no orders relating to civil and military government or revenues to be sent to India, by Court of Directors, until approved by Board. Copies of proposed orders, &c. to be sent to the Board, and to be returned with approval certified, or if disapproved or varied in substance, with reasons in writing. Dispatches as approved to be forwarded, unless on representation of Directors, Board shall order any alteration. Directors to be bound by instructions received from time to time from Board (33 *Geo.* 3, *cap.* 52, *sec.* 12) 74

—— proposed dispatches to be returned within two months (53 *Geo.* 3, *cap.* 155, *sec.* 71) 172

—— no orders, &c. relating to territories or government, or property or rights in trust, or any public matters whatever, to be sent until submitted to the Board; copies to be sent to the Board to be returned within two months, with approbation signified or reasons in writing for disapproval or variation and directions, in either case under the hand of one of the secretaries; Directors to send orders, &c. in form approved to proper destination; Board by minutes from time to time to be entered on records, may allow such classes of orders, &c. as may be described to be sent without being laid before the Board ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 30) 425

—— to take into consideration representations in writing from Directors in reference to any letters, &c. varied in substance or disapproved, and to give orders thereupon, which are to be conclusive (33 *Geo.* 3, *cap.* 52, *sec.* 13) 75

—— Directors not restricted from expressing within fourteen days, by representation in writing such remarks, &c. as they shall think fit, concerning directions which they shall receive from Board. Board to take matters into consideration, and give further directions, which shall be final and conclusive ... ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 32) 426

—— may prepare and send to Court of Directors orders to the Governments of India, if Court neglect to frame dispatches within fourteen days after requisition made, and Court to transmit them, unless upon representation the Board should make alterations ... (33 *Geo.* 3, *cap.* 52, *sec.* 15) 76

—— ———— ... ... (3 & 4 *Wm.* 4. *cap.* 85, *sec.* 31 & 32) 426

—— if Court deem orders respecting which directions of the Board have been given to be contrary to law, Board and Court may send a special case to be agreed upon, and signed by President and Chairman to three or more of the Judges of the Court of King's Bench for their opinion, which opinion being certified to the President and Chairman shall be final and conclusive (*sec.* 33) *ib.*

—— may send orders relating to levying war or making peace, or treating or negociating with any of the native princes or states of India, to the Secret Committee who without disclosure shall transmit them as directed—obedience to be paid thereto ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 19) 77

—— directions concerning the levying of war, making of peace, or treaties, or

BOARD, &c.—*continued.*

PAGE

negociations with any native princes or states of India, or any other princes or states, may be sent through Secret Committee to any of the Governments or Presidencies of India, or to any officers or servants of the Company, who shall pay obedience thereto (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 36) 427
(See Secret Committee.)
—— to superintend and control all acts and concerns relating to the civil and military government and revenues of territories in the East-Indies (33 *Geo* 3, *cap.* 52, *sec.* 9) 74
—— —— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 25) 424
—— may direct payment of the King's troops. (See Army of the Crown.)
—— to control all increase of salaries, establishments, or pensions exceeding £200 per annum ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 125) 94
—— to control grants of gratuities exceeding £600 (53 *Geo.* 3, *cap.* 155, *sec.* 88) 178
—— —— ... ... ... (55 *Geo.* 3, *cap.* 64) 197
—— to superintend and control sale of commercial and other property under provisions of 3 & 4 Wm. 4, cap. 85, and appoint officers to attend them during the winding up of the commercial transactions of the Company—charges of such officers to be defrayed by Company in addition to other charges of Board ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 6) 419
—— particulars of such charges to be laid before Parliament. (See Parliament.)
—— to control all Acts, &c. relating to the property vested in the Company in trust, all grants of salaries, gratuities, and allowances, and all other payments and charges, with certain exceptions ... ... (*sec.* 25) 424
—— home expences of the Company. (See Home Expenses.)
—— all powers given to Court of Directors to be deemed subject to control of Board, except there be something in enactments inconsistent with such construction, and except as to patronage, or right of appointing to office vested in or reserved to the Court ... ... ... (*sec.* 109) 444
—— to appoint examiners of candidates for admission to the Company's College, and make rules for examinations—expenses not to exceed £500 in one year (7 *Wm.* 4, & 1 *Vic. cap.* 70, *sec.* 2 & 3) 481
—— rules to be laid before Parliament. (See Parliament.)
—— to make rules for government of Company's College—such rules to have no effect until approved by her Majesty by order in Council—twenty-one days' notice previously to their being submitted to her Majesty to be given to the Court of Directors ... ... (1 & 2 *Vic. cap.* 22, *sec.* 1) 484
—— not to give directions for increasing salaries beyond fixed amount, unless proposed by Court of Directors, and unless amounts with reasons be laid before Parliament thirty days before dispatch sent (28 *Geo.* 3, *cap.* 8, *sec.* 3) 70
—— —— ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 17) 76
—— —— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 110) 444
—— not to give directions for payment of extraordinary allowances or gratuities, unless proposed by Court of Directors (28 *Geo.* 3, *cap.* 8, *sec.* 4) 70
—— —— ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 18) 76
—— —— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 110) 444

BOARD, &c.—*continued.*

PAGE

—— accounts of increase to be laid before Parliament. (See Parliament.)
—— not to increase the sum payable by the Company on account of the Board, except for expenses attending the winding up of the commercial business of the Company ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 110) 444
—— not to nominate servants of Company (33 *Geo.* 3, *cap.* 52, *sec.* 14) 76
—— ———————— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 34) 426
—— not to direct or interfere with the officers and servants of the Company on the home establishment ... ... ... ... (*sec.* 34) 426
—— President to be in first class of officers, specified in Act 57 Geo. 3, cap. 65, entitled, "An Act to enable his Majesty to Recompence the Services of Persons holding or having held certain high and efficient Civil Offices," and chief secretary of the Board in the fourth class (6 *Geo.* 4, *cap.* 90) 277
—— regulations respecting pensions granted under Acts above referred to 451, 452 (4 & 5 *Wm.* 4, *cap.* 24, *sec.* 1 & 4 *to* 7)

BOMBAY. (See Governments subordinate, Courts Supreme, and Marine.)

BONDS executed in the East-Indies shall be evidence in Great Britain, and contrariwise, on proof of handwriting of parties (26 *Geo.* 3, *cap.* 57, *sec.* 38) 68

BOND DEBT. (See Debt.)

BOOKS. (See Stock.)

BROKERAGE. (See Sale and Brokerage of Offices.)

BY LAWS. Directors to act according to ... ... ... (*Charter.*) 7
—— Where wanting Directors may act as they see cause ... ... ... *ib.*
—— General Court may make ... ... ... ... ... *ib.*
—— relating to Shipping. (See Shipping.)

CADETS. (See Army, Company's.)

CALCUTTA. (See Limits.)

CARNATIC. (See Arcot.)

CASH, Company not to keep for others ... ... ... (7 *Geo.* 1, *cap.* 5) 15

CHAIRMAN and DEPUTY CHAIRMAN. (See Directors.)

CHARTER. Account of Charters of old East-India Company ... .. ... 1
—— Grant of Charter to English Company by Wm. 3. ... ... ... *ib.*
—— Extracts from ... ... ... ... ... 2 a 10

CHINA. Trade with opened ... ... (3 & 4 *Wm.* 4, *cap.* 93, *sec.* 1 & 2) 446, 447
—— Commission, for protecting and promoting trade ... ... (*sec.* 5 *to* 8) 448
—— Provisions with respect to actions ... ... ... (*sec.* 9) 449

CIVIL SERVICE. Civil servants under rank of Members of Council to have precedence according to seniority of appointment, and promotion to be regulated by length of service ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 56) 89
—— Civil servants having departed from India with leave who shall be allowed to return to the service after an absence of five years, to take rank and precedence according to seniority at time of departure only, and on return to be placed immediately below any servant who shall then have passed a greater or the like time in India that the restored servant had passed when he quitted it ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 85) 177

CIVIL SERVICE.—*continued.*

PAGE

—— no office exceeding in value £500 per annum to be conferred upon any servant who shall not have been resident three years antecedent to the vacancy; appointments made contrary to provisions, to be void (33 *Geo.* 3, *cap.* 52, *sec.* 57) 89

—— Office exceeding £1,500 may be bestowed after four years; exceeding £3,000 after seven years; exceeding £4,000 (including Council) after ten years ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 82) 176

—— Governor-general, or Governor in Council, on application in writing from any civil servant desirous of being appointed a member of any Court, Board, or other establishment, may by special order direct that such servant shall take precedence at such Court, Board, or establishment, according to seniority of appointment thereto, although such precedency may not be according to seniority of appointment in the service of the Company (*sec.* 86) 177

—— no person to hold two or more offices the united emoluments of which exceed the amount limited ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 58) 90

—— no more writers than necessary to be sent out ... ... (*sec.* 59) *ib.*

—— none to be sent out under fifteen years of age ... ... (*sec.* 60) *ib.*

—— nor above twenty-three ... (7 *Wm.* 4, & 1 *Vic. cap.* 70, *sec.* 5) 482

—— time spent at Company's College in England after seventeen, provided two years at least be passed at College, to be reckoned, as to offices, places, and emoluments, as time spent in India, (47 *Geo.* 3, *sess.* 2, *cap.* 68, *sec.* 7) 143

—— and as to offices not exceeding £1,500 per annum, time not more than two years after seventeen, notwithstanding less than two years may have been spent in the whole ... ... ... (10 *Geo.* 4, *cap.* 16, *sec.* 2) 348

—— no person to be appointed a writer, except after due entry and residence at the Company's College in England according to the rules, and on production of a certificate from the Principal (53 *Geo.* 3, *cap.* 155, *sec.* 46) 169

—— students having resided at Company's College the number of terms prescribed by rules to be framed by the Board, and producing certificate of conformity to the rules under the hand of the Principal, may be appointed writers ... ... ... ... (1 & 2 *Vic. cap.* 22, *sec.* 2) 484

—— civil servants at Canton and St. Helena capable of taking any office in any Presidency or establishment to which they would have been eligible if civil servants of such Presidency, during the same time as they may have been in the service of the Company ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 113) 445

—— all writers sent out between 10th April 1834 and 10th April 1839, after receiving certificate from Principal of College, to be deemed duly appointed, although not having resided four terms (7 *Wm.* 4, & 1 *Vic. cap.* 70, *sec.* 6) 482

—— (See also Officers and Servants.)

COFFEE. (See Customs.)

COLLEGE, Company's, in England, continued ... (53 *Geo.* 3, *cap.* 155, *sec.* 44) 168

—— Bishop of London to exercise visitorial jurisdiction over ... (*sec.* 45) *ib.*

—— establishment of offices and appointment of Principal to be subject to approbation of Board of Control ... ... ... (*sec.* 47) 169

—— and appointment of professors and teachers (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 108) 444

COLLEGE—*continued.*

PAGE

—— principal and professors, being beneficed clergymen, exempted from parochial residence ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 48) 169

—— if appointed before passing of Act 1 & 2 Vic. cap. 106, and holding only one benefice ... ... ... (1 *& 2 Vic. cap.* 106, *sec.* 37) 488

—— fourfold system of nomination may be suspended by Court and Board (7 *Wm.* 4, *& 1 Vic. cap.* 70, *sec.* 1) 481

—— no person to be admitted a student whose age shall exceed twenty-one years (*sec.* 5) 482

—— (See also Civil Service.)

COLLEGES and SEMINARIES abroad to be under control of Board of Commissioners (53 *Geo.* 3, *cap.* 155, *sec.* 42) 167

COMMANDER-IN-CHIEF of the forces in India, and provincial Commanders-in-chief, to be appointed by the Court of Directors (33 *Geo.* 3, *cap.* 52, *sec.* 25) 78

—— subject to approbation of the Crown ... (53 *Geo.* 3, *cap.* 155, *sec.* 80) 175

—— appointment to lapse to the Crown on default. (See Crown.)

(See also Directors, Governments of India generally, Governor-general and Council of Fort William, and Governor-general and Council of India.)

COMMISSIONERS, Board of. (See Board.)

COMMITTEES. (See Directors and Secret Committee.)

COMMENCEMENT of operation of Acts. 33 Geo. 3, cap. 52, to commence immediately on passing in Great Britain; in India from 1st February 1794 (33 *Geo.* 3, *cap.* 52, *sec.* 163) 106

—— so much of 53 Geo. 3, cap. 155, for which no other time is prescribed, to commence 10th April 1814 ... (53 *Geo.* 3, *cap.* 155, *sec.* 125) 194

—— 4 Geo. 4, cap. 81, (India Mutiny Act) from 1st February 1824, except when other commencement directed ... (4 *Geo.* 4, *cap.* 81, *sec.* 74) 261

—— 9 Geo. 4, cap. 74, (Criminal Justice) from 1st March 1829 (9 *Geo.* 4, *cap.* 74, *sec.* 1) 319

—— 3 & 4 Wm. 4, cap. 54, (British shipping and navigation) 1st Sept. 1833, except when any other commencement named (3 *& Wm.* 4, *cap.* 54, *sec.* 1) 385

—— 3 & 4 Wm. 4, cap. 85, (renewal of term of Company's Government of India) from the passing thereof, as to appointment of Governors, members of Council and other officers, and to all other matters and things from 22d of April 1834 ... ... (3 *& 4 Wm.* 4, *cap.* 85, *sec.* 117) 446

COMPANY, ENGLISH, trading to the East-Indies, incorporated by Charter of Wm. 3, to have perpetual succession ... ... ... (*Charter*) 2

—— and a common seal, with power to break, alter, &c.; to be a body politic and corporate, to hold lands, purchase goods, demise lands and goods, sue and be sued, &c., and execute all other acts appertaining to them by 9 & 10 Wm. 3, cap. 44, or otherwise ... ... ... ... ... *ib.*

—— to deliver yearly to Privy Council account of English goods exported in preceding year, with places to which they were exported, attested by oath of officers ... ... ... ... ... ... ... 3

COMPANY, &c.—*continued.*

PAGE

—— to maintain ministers and provide for divine service. (See Ecclesiastical Establishment.)
—— to provide schoolmasters. (See Schoolmasters.)
—— to have twenty-four Directors. (See Directors.)
—— to have government of forts, factories, and plantations settled by or under them in East-Indies, &c. appoint and remove governors and officers, who under their direction may raise military forces, and to be assisted by all admirals and officers of the Crown ... ... (*Charter*) 9
—— Charter to be construed in sense most beneficial to the Company ... 10
—— to have grant of further reasonable powers from time to time ... ... 10
—— union with old Company under title of United Company of Merchants trading to the East-Indies ... ... ... ... ... 11
—— UNITED, not to discount bills or notes, nor keep books or cash, except cash of Company ... ... ... ... (7 *Geo.* 1, *cap.* 21) 15
—— may ship stores, &c. free of duties, provided duties do not exceed £300. in one year ... ... ... ... (7 *Geo.* 1, *cap.* 5) 15
—— to continue body politic with all rights, &c., notwithstanding redemption of annuity ... ... ... ... (3 *Geo.* 2, *cap.* 14) 16
—— to have benefit of all Acts or Charters in their favour ... (*sec.* 10) 17
—— ——— ... ... ... (17 *Geo.* 2, *cap.* 17, *sec.* 12) 19
—— Corporation not to be determined, nor right to common trade to cease by determination of exclusive trade .. (3 *Geo.* 2, *cap.* 14, *sec.* 12) 18
—— ——— ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 74) 94
—— ——— ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 4) 164
—— to retain rights, interests, powers, privileges, and authorities (13 *Geo.* 3, *cap.* 63, *sec.* 46) 32
—— rights renewed ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 2 & 95) 163, 182
—— ——— ... ... ... (19 *Geo.* 3, *cap.* 61, *sec.* 6) 36
—— ——— ... ... ... (20 *Geo.* 3, *cap.* 56, *sec.* 6) 38
—— ——— ... ... ... (21 *Geo.* 3, *cap.* 65, *sec.* 25) 39, 40
—— ——— ... ... ... (24 *Geo.* 3, *cap.* 25, *sec.* 83) 54
—— ——— ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 74 & 123) 94
—— to be entitled for ever to all profits, privileges, &c. given by former Acts and not varied ... ... ... (21 *Geo.* 3, *cap.* 65, *sec.* 4) 38
(For various Grants in continuance of Exclusive Trade and Territorial possession and Government, see page 13.)
—— no to purchase lands exceeding £10,000, per annum (3 *Geo.* 2, *cap.* 14, *sec.* 14) 18
—— to retain the government of India ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 1) 418
—— to hold all real and personal property in trust for the Crown for the service of the government of India, discharged of all claims on part of the Company, except for the dividend secured ... ... ... ... *ib.*
—— to retain privileges, &c., given by 53 Geo. 3, cap. 155, and other Acts (*sec.* 2) *ib.*
—— but exclusive right of trade with China, and of trading in tea, to cease (*sec.* 3) *ib.*

COMPANY, &c.—*continued.*

PAGE

—— to close their commercial business, and sell all property not retained for purposes of government ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 4) 418
—— at sales of their own goods may sell property of other persons (*sec.* 5) 419
—— sales to be under the control of the Board. (See Board.)
—— may make compensation to persons affected by discontinuance of trade. (See Officers and Servants.)
—— all the debts and expenses of the Company charged on revenues of India; no liability to attach to future effects of Company, nor to the dividends secured, nor to the Directors or proprietors ... ... (*sec.* 9) *ib.*
—— but same suits and remedies against the Company to remain, and the property vested in the Company in trust to be subject to judgment and execution ... ... ... ... ... (*sec.* 10) 420
—— dividends to be paid. (See Stock.)
—— Expenses. (See Home Expenses.)
—— to be called the East-India Company ... (*sec.* 111) 445
—— EAST-INDIA, enactments compelling them to keep a stock of tea repealed (*sec.* 114) *ib.*

CONTINUING BILLS, when bills for continuing expiring Acts do not pass before Act expires, such Acts shall be continued from expiration ... ... (48 *Geo.* 3, *cap.* 106) 144

CORONERS, may be appointed by Governor-general in Council and Governors in Council, and removed by same authority. Coroners to take oaths, and to have reasonable fees and allowances ... (33 *Geo.* 3, *cap.* 52, *sec.* 157) 103
—— authorities and duties of, upon inquisitions (9 *Geo.* 4, *cap.* 74, *sec.* 5) 320
—— may be fined for offending ... ... ... ... (*sec.* 6) 321

CORPORATIONS holding stock, may vote in respect thereof at elections of Directors, and in all General Courts, by deputy under common seal (*Charter*) 4
—— deputy to make oath ... ... ... ... ... ... 5

COUNCIL. (See Civil Services, Directors, Governments India generally, Governor-general and Council of Fort William, Governor-general and Council of India, Governments subordinate.)

COURT, GENERAL. (See General Court.)

COURT OF DIRECTORS. (See Directors.)

COURT OF EXCHEQUER. (See Stock.)

COURT OF JUDICATURE, Parliamentary. (See Parliament.)
—— of Judicature of Fort St. George to have jurisdiction over all British subjects residing in certain places ... (26 *Geo.* 3, *cap.* 57, *sec.* 30) 67

COURT OF KING'S BENCH, manner of proceeding in, for prosecution of persons accused of extortion, or other misdemeanors in India (24 *Geo.* 3, *cap.* 25, *sec.* 64, 65) 47, 48
—— ——— ... ... (26 *Geo.* 3, *cap.* 57, *sec.* 15 to 26) 61 to 64
—— may try offences committed by persons employed in any public service abroad (42 *Geo.* 3, *cap.* 85, *sec.* 1) 133
—— may issue *mandamus* for examination of witnesses. (See *Mandamus.*)

COURTS-MARTIAL. (See Army.)

COURTS, MAYOR'S. (See Court Supreme.)

COURT, &c.—*continued.*

PAGE

COURTS OF EQUITY. (See Stock.)

COURTS OF OYER AND TERMINER, and Gaol Delivery, and Courts of General and Quarter Sessions, in any British settlements in India,—all persons to be amenable to, for offences committed against any person in any part of Asia, Africa, and America, beyond the Cape of Good Hope to the Straits of Magellan ... ... ... (26 *Geo.* 3, *cap.* 57, *sec.* 29) 67

COURTS OF REQUESTS, jurisdiction of, extended to eighty rupees (37 *Geo.* 3, *cap.* 142, *sec.* 30) 117

—— constitution, rules, forms of processes, &c. may be altered and reformed, and jurisdiction extended to amount not exceeding 400 sicca rupees of local government. ... ... (39 & 40 *Géo.* 3, *cap.* 79, *sec.* 17) 129

COURTS OF SUDDER Dewanny Adawlut and Nizamut Adawlut, or other provincial Courts exercising highest jurisdiction, may execute process of arrest within towns of Calcutta, Madras, and Bombay, to be accompanied by translations thereof, or of substance, and to be signed by one of the Judges of this Court ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 113) 192

COURT, RECORDER'S, of Fort St. George and Bombay. (The powers of these Courts have been transferred to the Supreme Courts at those presidencies.)

—— competent to hear and determine all complaints against his Majesty's subjects for crimes, misdemeanors, &c. and all suits and actions against any of his Majesty's subjects arising in territories subject to governments of Madras or Bombay respectively, or within the dominions of native princes in alliance with those governments, or against any person who at the time debt or cause of action shall have arisen, shall have been directly or indirectly in the service of the Company, or of any of his Majesty's subjects; but not competent to try any indictment or information against governor or member of Council, not being for treason or felony (37 *Geo.* 3, *cap.* 142, *sec.* 10) 113

—— to try all suits which by authority of Parliament may be tried in Mayor's Courts, or Courts of Oyer and Terminer; governor, member of Council, or recorder, not liable to be arrested or imprisoned; Courts not competent to entertain any action or suit against Governor or Council for acts done in public capacity, nor in any matter of revenue; no person to become subject to jurisdiction of Courts by being a landowner, landholder, farmer, or receiving an income from land, or becoming security for payment of rent, nor any person employed by Company or Governor and Council, or deriving authority under them, in any matter of inheritance or succession, or matter of dealing or contract between parties, except in actions for wrong or trespass only ... ... ... ... (*sec.* 11) *ib.*

—— rights of fathers and masters of families to be preserved according to Gentoo and Mahometan law.—Acts done in consequence of law of caste not to be deemed crimes ... ... ... ... ... (*sec.* 12) 114

—— may determine all suits according to Charter; but inheritance and succession, and all matters of contract and dealing, to be determined between Mahometans by Mahometan law, and between Gentoos by Gentoo law; where one party only shall be a Mahometan or Gentoo, determination to be by laws of defendant; Courts to make laws and frame process consonant to

COURT, &c.—*continued.*

PAGE

religion, manners, laws, and usages of natives, and easy attainment of the ends of justice; means to be adopted for compelling attendance of witnesses, and taking examinations consistent with laws and usages, and so that justice may be attained with ease and little expense (37 *Geo.* 4, *cap.* 142, *sec.* 13) 114

—— no action for wrong or injury to be brought against any judicial officer of County Court for any judgment, order, or decree of such Court, nor against any person for acting in virtue thereof; any information against such officer to be brought and proceeded with in manner directed in Acts relating to Supreme Court of Fort William (which see) ... (*sec.* 14) 115

—— registry of natives to be kept in all respects corresponding with that of Supreme Court of Fort William (which see) ... ... (*sec.* 15) 115

—— appeal may lie to Crown in Council under conditions to be prescribed in the Charter ... ... ... ... ... ... (*sec.* 16) *ib.*

(See also Appeals.)

—— records of Mayor's Courts and Courts of Oyer and Terminer, to be given up to Recorder's Courts ... ... ... ... (*sec.* 17) 116

—— civil, criminal, and ecclesiastical jurisdiction of Mayor's Courts, and appellant jurisdiction of President and Council over Court of Oyer and Terminer, to cease on granting Charters, and be transferred to Recorder's Courts ... ... ... ... ... (*sec.* 18) *ib.*

—— all new forms of processes and rules to be transmitted to the President of the Board of Control for the approbation of the Crown. Processes to be used, and rules observed, till repealed or varied. ... (*sec.* 27) *ib.*

—— administration of effects of persons dying intestate. (See Administration.)

—— Admiralty. (See Admiralty.)

—— insolvent debtors. (See Insolvent Debtors.)

COURTS, SUPREME, and other Courts in India, established by Royal Charter; Advocate-general or other principal law officer of Company, may exhibit informations in relation to revenue against persons subject to jurisdiction of Court; proceedings to be had as in case of information by Attorney-general in Court of Exchequer in England—fines and penalties to go to the Company ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 100) 185

—— King's Courts without the Presidencies having criminal jurisdiction, to hold Sessions four times in the year for taking cognizance of all matters, returns, and pleas of the Crown ... ... ... (*sec.* 102) 186

—— Advocate-general or other principal law officer, in all cases of misdemeanor alleged to have been committed by a British subject at a distance of 100 miles from the Presidency, may file an information *ex officio* in the King's Court of the Presidency, and proceed as in cases of information filed *ex officio* by Attorney-general in Court of King's Bench in England (*sec.* 103) *ib.*

—— Courts at Presidencies exercising Admiralty jurisdiction to take cognizance of all crimes perpetrated on the high seas ... ... (*sec.* 110) 191

—— Advocate-general or other principal law officer, may take proceedings in law or equity in respect of claims of the Crown ... ... (*sec.* 111) 191

COURTS, &c.—*continued.*

PAGE

—— to have criminal jurisdiction over servants of the Crown in same manner as over servants of the Company ... (9 *Geo.* 4, *cap.* 74, *sec.* 127) 347

—— may admit barristers, advocates, and attornies without licence from the Company; admission to practise as an advocate in the principal Courts of Scotland a qualification for admission at Courts in India (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 115) 445

—— rules of pleadings made by Supreme Courts of Fort William and Madras confirmed—Supreme Courts at three presidencies may pass other rules, subject to confirmation of Governor-general in Council, and to be allowed or rescinded by her Majesty in Council—no such rule to deprive any person of the power of pleading the general issue and giving special matter in evidence in any case where now or hereafter authorized by Act of Parliament; rights, &c. of Supreme Courts not to be affected (2 & 3 *Vic.*, *cap.* 34, *sec.* 1 *a* 3) 505, 506

COURT, SUPREME, of FORT WILLIAM to be created by royal Charter (13 *Geo.* 3, *cap.* 63, *sec.* 13) 24

—— to exercise civil, criminal, admiralty, and ecclesiastical jurisdiction, appoint clerks and officers with salaries to be approved by Governor-general in Council—establish rules of practice and process—to be a Court of Record and a Court of Oyer and Terminer and gaol delivery for Calcutta, factory of Fort William, limits thereof and factories subordinate thereto ... ... ... ... ... ... (*sec.* 13) 25

—— authority may extend to all British subjects in Bengal, Behar, and Orissa—to hear and determine all complaints for crimes, &c., against his Majesty's subjects, and also suits and actions between them ... (*sec.* 14) *ib.*

—— not to hear and determine indictment or information against Governor-general or Member of Council, for any offence not being treason or felony (*sec.* 15) *ib.*

—— may hear and determine suits between his Majesty's subjects and inhabitants of India where cause of action shall exceed 500 rupees, and where inhabitants have agreed in contract that suit shall be determined by Supreme Court—suits may be brought before it, either in the first instance or by appeal ... ... ... ... ... ... (*sec.* 16) *ib.*

—— Governor-general, Members of Council, Chief Justice, and Judges of Supreme Court, not to be arrested or imprisoned upon any action therein (*sec.* 17) 26

—— appeal to be made to his Majesty in Council under conditions to be prescribed in Charter ... ... ... ... ... (*sec.* 18) *ib.*
(See also Appeals.)

—— Charter of Mayor's Court rescinded, and records, &c., to be delivered over to Supreme Court ... ... ... ... (*sec.* 19 & 20) *ib.*

—— no fees, perquisites, emoluments, or advantages to be taken by Chief Justices or Judges beyond salaries and allowances. (See Fees.)

—— no present, &c., to be accepted by them. (See Presents.)

—— proceedings under usury laws and compounding of actions under. (See Interest.)

—— prosecution of servants of Company for breach of trust, embezzlement, or fraud. (See Officers and Servants of Company.)

COURT, &c.—*continued.*

PAGE

—— trial by jury. (See Jury.)

—— Governor-general and Council not subject to jurisdiction of Supreme Court, jointly or severally for actions done in their public capacity (21 *Geo.* 3, *cap.* 70, *sec.* 1) 41

—— persons impleaded for acts done by order of Governor-general in Council may plead general issue and give order in evidence, which with proof that acts were done according to purport of order shall be justification (*sec.* 2) *ib.*

—— to retain competent jurisdiction as to British subjects ... ... (*sec.* 3) 42

—— Governor-general and Council to remain liable to proceedings in any competent Court in Great Britain, and upon complaint made in writing upon oath, and security given by bond with some responsible person, jointly and severally to the Company, to prosecute complaint in Great Britain, within two years of making the same, or on return of complaining parties to Great Britain, copies of orders to be produced in Supreme Court and there authenticated, and witnesses to be examined, and the parties to have the same remedies, and the Supreme Court same powers, as are provided in 13 Geo. 3, cap. 63 ... ... ... (*sec.* 4 a 6) *ib.*

—— authenticated copies of orders and depositions to be received in all Courts of Law and Equity at Westminster ... ... ... (*sec.* 6) *ib.*

—— not to have any jurisdiction concerning revenue ... ... (*sec.* 8) 43

—— no person to be subject thereto on account of being a landowner, landholder or farmer within Bengal, Behar, or Orissa, or receiving share of profit or rent of land, or exercising local authority, or being security for payment of rent ... ... ... ... ... ... (*sec.* 9) *ib.*

—— no person, by reason of being employed by the Company, or by the Governor-general and Council, or by any person deriving authority from them, or by a native or descendant of a native of Great Britain, to become subject to Supreme Court in any matter of inheritance or succession to lands or goods, or of dealing or contract, except in actions for wrongs or trespasses, or in any civil suit by agreement of parties in writing (*sec.* 10) *ib.*

—— names of natives employed by Company in any judicial office, or as principal native officer of any district in collection of revenue, &c. to be entered in books, one copy of which shall remain in provincial office, and another be registered in Supreme Court; new appointments and vacancies of office to be registered within three months ... (*sec.* 11) *ib.*

—— deaths and removals of judicial officers to be entered in a book kept as above ... ... ... ... ... (*sec.* 12) *ib.*

—— British subjects to enter names of native stewards, agents, and partners, within three months, and also all changes; penalty for neglect, if in Company's service £500, if not in Company's service £100; no native to be entitled to fee or salary, except from date of registry; British European subject engaging in trade with unregistered native partner, not to be entitled to recover any money on joint concern, nor compel an account by any suit in law or equity; and any one prosecuting to conviction a British subject, having unregistered agent or partner, to recover the whole

COURT, &c.—*continued.*

PAGE

of the salary engaged for, and be entitled to amount of British subject's share of profit in partnership ... (21 *Geo.* 3, *cap.* 70, *sec.* 13 *to* 16) 44

—— to have full power to hear and determine all actions and suits against inhabitants of Calcutta, determining in case of Mahometans and Gentoos by their respective laws and customs, and when one party is a Mahometan and the other a Gentoo, by the laws and usages of the defendant (*sec.* 17) *ib.*

—— to respect rights and authorities of fathers and masters of families; acts done in consequence of rule of caste respecting members of families only not to be adjudged crimes ... ... ... ... (*sec.* 18) 45

—— to frame process, and make rules and orders for execution, which are to be transmitted for approval of the Crown; previous rules and orders to be in operation until repealed or varied ... ... (*sec.* 19 *&* 20) *ib.*

—— no action for wrong or injuries to lie against judicial office in country Courts for any judgment, decree, or order of Court, nor against any person for any act done in virtue thereof ... ... ... (*sec.* 24) 46

—— no rule or other process to be made or issued against such judicial officer or magistrate for any corrupt act, without one month's notice within fifty miles of Calcutta, two months beyond fifty, and three months beyond one hundred miles ... ... ... ... ... (*sec.* 25) *ib.*

—— no magistrate liable to arrest, nor to put in bail, until he shall have declined to answer notice and service of process ... ... (*sec.* 26) *ib.*

—— transcripts of estreats of recognizances or fines in cases of persons prosecuted for offences in India, may be transmitted by Court of Exchequer in England to be filed and recorded in Courts in India, and process may thereupon issue against lands or goods in India (26 *Geo.* 3, *cap.* 57, *sec.* 27) 65

—— power and authority given by Charter of Justice to extend to the High Seas ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 156) 102

—— Court to consist of Chief-justice and two puisne judges (37 *Geo.* 3, *cap.* 142, *sec.* 1) 111

—— retiring pensions to Judges. (See Retiring Pensions.)

—— Salaries. (See Salaries.)

—— where value of matter in dispute does not exceed one thousand pagodas, may direct depositions of witnesses to be reduced to writing or not (*sec.* 4) 112

—— minimum of amount in appeal. (See Appeals.)

—— jurisdiction of extended to Benares, and to all provinces and districts thereafter to be annexed to the Presidency of Fort William (39 *&* 40 *Geo.* 3, *cap.* 79, *sec.* 20) 130

—— administration of effects of persons dying intestate. (See Administration.)

—— Insolvent Debtors. (See Insolvent Debtors.)

—— Admiralty jurisdiction. (See Admiralty.)

—— appeals to Privy Council. (See Appeals.)

COURT, SUPREME, OF MADRAS.—May be established by Charter; to consist of like number of persons with that of Fort William; to have civil, criminal, Admiralty, and ecclesiastical jurisdiction; to be invested with such powers, and subject to the same limitations, within territories subject to Presidency

COURT, &c.—*continued.*

PAGE

of Madras, as Supreme Court of Fort William, within that Fort, and provinces of Bengal, Bahar, and Orissa (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 2) 126

—— powers confirmed ... ... ... (4 *Geo.* 4, *cap.* 71, *sec.* 17) 233

—— Governor and Council of Madras, and Governor-general of Fort William, to enjoy same exemption from authority of Supreme Court as enjoyed by Governor-general and Council at Fort William (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 3) 127

—— Records of Mayor's Court, of Court of Oyer and Terminer, and of any new Courts subsequently erected, to be delivered over to Supreme Court (*sec.* 4) *ib.*

—— so much of any Charter as relates to the appointment of a Recorder at Madras, to be void ... ... ... ... ... (*sec.* 5) *ib.*

—— salaries to be in lieu of all perquisites ... ... ... (*sec.* 7) 128

(See also Salaries.)

—— administration of effects of persons dying intestate. (See Administration.)

—— insolvent debtors. (See Insolvent Debtors.)

—— Admiralty. (See Admiralty.)

—— ceded territories to be subject to jurisdiction of (6 *Geo.* 4, *cap.* 85, *sec.* 20) 276

COURT SUPREME, OF BOMBAY, to be established; to consist of such and the like number of persons as the Supreme Court of Fort William; to be named by the Crown, with the like civil, criminal, admiralty, and ecclesiastical jurisdiction, both as to natives and British subjects; with such powers, authorities, privileges, and immunities, and subject to the same limitations, restrictions, and control as the Supreme Court at Fort William; Governor and Council of Bombay to enjoy such exemptions from its authority as Governor-general and Council from authority of Supreme Court at Fort William ... ... ... (4 *Geo.* 4, *cap.* 71, *sec.* 7 *to* 17) 231, 233

—— records of Courts previously existing to be delivered over to Supreme Court (*sec.* 8) 232

—— so much of Charter of Geo. 3, as relates to appointment of a recorder, &c. to be void, and all powers and authorities granted by 37 Geo. 3, cap. 142, to Recorder's Court, to cease with respect to that Court, but to be exercised by Supreme Court in manner and extent directed ... ... (*sec.* 9) *ib.*

—— salaries of judges to be in lieu of all fees ... ... ... (*sec.* 11) *ib.*

(See also Salaries.)

CRIMINAL Justice in India. Provisions for the administration of and for the punishment of various crimes and misdemeanors (9 *Geo.* 4, *cap.* 74, *sec.* 7 to 124) 321 to 346

CROWN, sovereign right, power, and dominion, over forts, factories, and plantations in East-Indies, &c. reserved to ... ... ... (*Charter*) 10

—— rights of, reserved ... ... ... (19 *Geo.* 3, *cap.* 61, *sec.* 6) 36

—— ———— ... ... ... (20 *Geo.* 3, *cap.* 56, *sec.* 6) 38

—— ———— ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 95) 182

—— may appoint to vacant offices in default of Directors making appointment

CROWN—*continued.*

PAGE

within two months, and person so appointed to be liable to recal only by the Crown ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 26) 79

—— ——————— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 60) 433

—— may by writing under sign manual, countersigned by President of Board, remove any officer or servant of the Company in India, and vacate any appointment or commission; copy to be transmitted within eight days to the Chairman or Deputy Chairman ... (33 *Geo.* 3, *cap.* 52, *sec.* 35) 81

—— ——————— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 74) 436

CUSTOMS, in regard to ships arriving from the British possessions in India, the servant of the Company delivering the last despatches of such ship shall be the proper officer to authenticate the manifest (3 & 4 *Wm.* 4, *cap.* 52, *sec.* 4) 381

—— no abatement of duty to be made on coffee, and certain other articles, on account of damage ... ... ... ... (*sec.* 32) *ib.*

—— sugar from British possessions within limits of Charter, certificate of origin to be furnished ... ... ... ... ... (*sec.* 38) *ib.*

—— no goods to be deemed imported from any place except imported direct (*sec.* 48) 382

—— but goods the produce of places within the limits of the Charter having been imported into Malta or Gibraltar from those places in British ships, upon subsequent importation into the United Kingdom, to be liable to same duties as if imported direct (3 & 4 *Wm.* 4, *cap.* 56, *sec.* 10) 408

—— prohibited goods ... ... ... (3 & 4 *Wm.* 4, *cap.* 52, *sec.* 58) 382

—— goods subject to restrictions on importation ... ... (*sec.* 58) *ib.*

—— certain prohibited goods may be imported for warehousing ... (*sec.* 59) 384

—— definition of terms ... ... ... ... ... (*sec.* 119) *ib.*

—— Malta to be deemed in Europe ... ... ... ... (*sec.* 120) 385

—— tonnage according to registry ... ... ... ... (*sec.* 127) *ib.*

—— name of master of British ship to be inserted in certificate of registry (*sec.* 128) *ib.*

—— produce of Asia how to be imported (3 & 4 *Wm.* 4, *cap.* 54, *sec.* 3 & 4) 386

—— ——————— ... ... ... (2 & 3 *Vic. cap.* 5, *sec.* 30) 491

—— manufactured goods the same as produce (3 & 4 *Wm.* 4, *cap.* 54, *sec.* 5) 386

—— no exportation from United Kingdom to Asia, nor goods carried from any British possession in Asia to any other British possession, nor from one part of any British possession to another part, except in British ships—no importation into British possessions in Asia, except in British ships, or in ships of the country of which the goods are the produce, and from which they are imported ... ... ... (*sec.* 7, 10, 11) *ib.*

(See America.)

—— provisions for importation for warehousing, forfeitures, &c. (*sec.* 21, 22, 23) 388, 389

—— goods may be warehoused without payment of duty (3 & 4 *Wm.* 4, *cap.* 56, *sec.* 8) 408

—— United Kingdom, table of duties inwards ... ... ... 409 to 412

—— notes on table ... ... ... ... ... ... 413

—— British possessions in America—table of prohibitions and restrictions (3 & 4 *Wm.* 4, *cap.* 59, *sec.* 7) 414

CUSTOMS—*continued.*

PAGE

—— table of duties on importation into British possessions in America 414
(3 & 4 *Wm.* 4, *cap.* 59, *sec.* 9)

—— United Kingdom, duties on tea ... (3 & 4 *Wm.* 4, *cap.* 101) 449 to 451

—— ——— ... ... ... (5 & 6 *Wm.* 4, *cap.* 32) 459

—— on coffee ... ... (5 & 6 *Wm.* 4, *cap.* 66, *sec.* 1 & 2) 465

—— ——— ... ... (1 & 2 *Vic. cap.* 113, *sec.* 24) 490

—— on sugar ... ... (6 & 7 *Wm.* 4, *cap.* 26, *sec.* 1 to 6) 466 to 468

—— ——— ... ... (7 *Wm.* 4 & 1 *Vic. cap.* 27, *sec.* 1 to 3) 471

—— ——— ... ... (1 & 2 *Vic. cap.* 33, *sec.* 1 to 2) 485

—— ——— ... ... ... (1 & 2 *Vic. cap.* 113, *sec.* 18) 490

—— ——— ... .. ... ... (2 & 3 *Vic. cap.* 21) 505

—— importation of spirits ... ... (6 & 7 *Wm.* 4, *cap.* 60, *sec.* 4) 470

—— tonnage of vessels, &c. ... ... ... ... (*sec.* 5) *ib.*

—— British possessions in West-Indies and Mauritius — importation into of East-India coffee ... ... ... (1 & 2 *Vic. cap.* 113, *sec.* 24) 490

CUSTODY, provisions of 21 Jac. 1, cap. 12, extended to all persons holding public employment in or out of the United Kingdom, having authority to commit persons to custody ... ... (42 *Geo.* 3, *cap.* 85, *sec.* 6) 135

DEBT, BOND—Company allowed to continue bond debt at £2,000,000, and borrow further sum of £1,000,000 ... ... (34 *Geo.* 3, *cap.* 41) 106

—— account of origin and progress of ... ... ... ... 107 to 109

—— with consent of Board of Control interest may be allowed on bonds, not exceeding the rate allowed on Exchequer bills issued at the same time (44 *Geo.* 3, *cap.* 3, *sec.* 3) 137

—— permission above not to be construed to restrain Company from allowing at any time legal interest ... .. ... ... ... (*sec.* 4) 138

—— Company authorized to borrow further sum not exceeding £2,000,000 (47 *Geo.* 3, *cap.* 41, *sec.* 1) 140, 141

—— further increase of £2,000,000 authorized (51 *Geo* 3, *cap.* 64, *sec.* 1) 154

—— bonds to be transferable ... ... (51 *Geo.* 3, *cap.* 64, *sec.* 4) 156

—— Commissioners of Treasury may compound with Company for annual sum of money in lieu of stamp duty on bonds—to be paid half-yearly—payment secured by bond exempt from stamp duty—may be made for any number of years not exceeding five—all bonds of the Company during the term exempted from stamp duty ... (5 & 6 *Wm.* 4, *cap.* 64, *sec.* 4) 464

DEBT, INDIA TERRITORIAL—transfer of in England, subject to stamp duty of £1 10*s.* (5 & 6 *Wm.* 4, *cap.* 64, *sec.* 5) *ib.*

—— contracted by Company in East-Indies, and transferred to England for payment, may be re-transferred to India, there to bear interest at the Indian rate ... ... ... ... ... (52 *Geo.* 3, *cap.* 121) 159

DESERTERS. (See Army.)

DIRECTORS, twenty-four to be appointed ... ... ... (*Charter*) 4

—— thirteen or more to be a Court ... ... ... ... ... 4

—— to order, manage, and direct affairs of Company ... ... ... *ib.*

DIRECTORS—*continued.*

PAGE

—— to have certain powers and privileges .. ... ... ... 4
—— to assemble General Courts to supply vacancies in number of Directors ... 5
—— to administer oath to persons voting at elections ... ... ... *ib.*
—— no person to be a Director but natural-born subjects of England, or naturalized ... ... ... ... ... ... ... *ib.*
—— to hold, each in his own name, in his own right, and for his own use, £2,000 stock ; disqualified on parting with or reducing such amount ... *ib.*
—— to have authority to administer an oath to agents and servants ... ... 6
—— neglecting to take required oath or declaration within ten days after election ; refusing to take the same, or neglecting to take the office, to render it vacant ... ... ... ... ... ... ... *ib.*
(See 33 Geo. 3, cap. 52, sec. 160.)
—— to summon four General Courts in every year at stated times, in default of which any three Directors may summon ... ... ... ... *ib.*
—— to summon a General Court on demand of nine or more proprietors, holding each £500 stock ... ... ... ... ... ... *ib.*
—— may be displaced by General Court for misdemeanor or abuse of office, and others elected ... ... ... ... ... ... 7
—— vacancies to be supplied in General Courts ... ... ... ... *ib.*
—— to meet and hold Courts at convenient times and places ... ... *ib.*
—— to summon General Courts as often as they shall see cause ... ... *ib.*
—— to act according to by-laws ... ... ... ... ... *ib.*
—— in default of by-laws or other rules, to direct and manage all affairs ... *ib.*
—— to appoint and remove servants, allow and pay salaries as they may judge necessary for the well-ordering of the Company, and enjoy all powers, authorities, privileges, &c. as if acts were done by whole Company or General Court, subject to restrictions of Act of Parliament and Charter *ib.*
—— to determine by lot in certain cases when votes are equal. (See Lot.)
—— may order matters to be done by sub-committees or other persons ... 9
—— Governor, Deputy-governor, or Directors of the Bank not eligible ; and Directors of United Company incapable of being elected Governor, Deputy-governor, or Director of Bank (9 Ann. cap. 7) ... ... 14
—— same provision as to South Sea Company ... ... ... ... *ib.*
—— six to be chosen annually in place of those whose time shall have expired, and who are to be incapable of being then re-chosen ; to continue in office four years ; Directors chosen to supply vacancy by death or other cause to serve during remainder of term for which the person whose office shall become vacant was chosen, and no longer
(13 *Geo.* 3, *cap.* 63, *sec.* 1) 22
—— collusive transfers. (See Stock.)
—— qualification of voters. (See General Court.)
—— election of to take place annually on second Wednesday in April
(17 *Geo.* 3, *cap.* 8, *sec.* 1) 33
—— term of office to expire in all cases on the second Wednesday in April (*sec.* 2) *ib.*
—— to fill up vacancies in office of Governor-general of Fort William, Members of Council there, Governor of Fort St. George and Bombay, and Members of

DIRECTORS—*continued.*

PAGE

Council at those presidencies, Governors of Forts and garrisons of Fort William, Fort St. George, and Bombay, Commander-in-chief of all the forces of India, and provincial Commander-in-chief (33 *Geo.* 3, *cap.* 52, *sec.* 25) 78

—— ——— subject to the approbation of the Crown, signified in writing under Royal Sign Manual, countersigned by President of Board of Control ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 80) 175

—— to appoint three ordinary Members of the Council of India absolutely, and the fourth ordinary Member subject to the approbation of the Crown (3 and 4 *Wm. cap.* 85, *sec.* 40) 428

—— to fill up vacancies in office of Governor-general in India, subject to the approbation of the Crown ... ... ... (*sec.* 42) 429

—— to fill up vacancies in office of Governor in subordinate presidencies, subject to the approbation of the Crown ... ... ... (*sec.* 58) 432

—— in default of making appointment for two calendar months, Crown may appoint. (See Crown.)

—— may make provisional appointments subject to any event or contingency (33 *Geo.* 3, *cap.* 52, *sec.* 27) 79

(3 and 4 *Wm.* 4, *cap.* 85, *sec.* 61) 433

—— ——— subject, in respect of offices of Governor-general of India, Governor of a presidency, and fourth ordinary Member of Council of India, to the approbation of the Crown ... ... (*sec.* 61) *ib.*

—— salary of persons provisionally appointed. (See Provisional Appointments.)

—— may remove any officers or servants, except those appointed by the Crown (33 *Geo.* 3, *cap.* 52, *sec.* 36) 82

—— ——— ... ... 53 *Geo.* 3, *cap.* 155, *sec.* 80) 175

(3 and 4 *Wm.* 4, *cap.* 85, *sec.* 75) 436

—— with approbation of Board, may suspend the power of the Governor-general of Fort William to act upon his own authority, and revive the same (33 *Geo.* 3, *cap.* 52, *sec.* 55) 89

—— to lay before Parliament, yearly, certain accounts. (See Parliament.)

—— to take prescribed oath within ten days after election, and before taking office, save administering the oath—oath to be signed by person taking it; to be administered by two Directors, who are to sign and attest it—on neglect to take oath within prescribed term, office to be void (33 *Geo.* 3, *cap.* 52, *sec.* 160) 104

—— year and title of Act 53 Geo. 3, cap. 155, to be inserted instead of that of 33 Geo. 3, cap. 52 ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 76) 174

—— to frame regulations for trade of friendly nations with India. (See Trade, External.)

—— to make reports twice a year to Secretary of State and Commander-in-chief of number of men raised, and all acts done under "An Act for better recruiting the Forces of the East-India Company" (39 *Geo.* 3, *cap.* 109, *sec.* 21) 123

—— may declare, from time to time, what parts of territorial possessions, reve-

DIRECTORS—*continued.*

PAGE

nues, and establishments shall be subject to respective presidencies, with consent of Board ... ... (39 *and* 40 *Geo.* 3, *cap.* 79, *sec.* 1) 126

—— to give or withhold sanction of duties levied in India. (See Duties.)

—— equality of votes. (See Lot and Votes.)

—— not to appoint to any office in India without the approbation of the Board, saving as to offices excepted by previous sections, appointing absolutely or provisionally any Member of Council, general officer on the staff, Advocate and Attorney-general, Attorney-at-law of the Company, chaplains, or to any office in the civil or marine establishments which have usually been supplied by persons not covenanted servants, and of writers, cadets, and assistant surgeons in the accustomed manner (53 *Geo.* 3, *cap.* 155, *sec.* 81) 175

—— restoration of officers and servants. (See Army, Company's, and Officers and Servants.)

—— to cause publication in *London Gazette* of administration accounts of registrars of Courts in India. (See Administration.)

—— subject to priority of charge for payment of dividends, and of amount for constituting security fund, may, with the consent of the Board, apply revenues and monies to the service of the government of India, and to the payment of charges in such order as the Court, under the control of the Board, may direct, anything in any other Act to the contrary notwithstanding ... ... ... (3 and 4 *Wm.* 4, *cap.* 85, *sec.* 17) 422

—— if Court, with consent of Board, shall declare that any person having held civil or military office abroad to have unsettled accounts with the Company, or that a charge against him is under consideration, such person not to be capable of being elected a Director for two years after his return, unless his accounts be settled or the charge determined at earlier period (*sec.* 28) 424

—— to frame estimates of home expenses. (See Home Expenses.)

—— subject to approbation of Board to make rules for the procedure of the Governor-general of India in Council, which are to prescribe the mode of promulgating and authenticating acts and proceedings, and which rules when approved shall have force of law ... ... ... (*sec.* 47) 430
(See also Parliament.)

—— Law Commission. (See Law Commission.)

—— may, under control of Board, suspend appointment of Councils in any presidency, or reduce the number of Councillors ... ... (*sec.* 57) 432
(See also Governments subordinate.)

—— to make regulations, with approbation of the Board, for distribution of patronage in India ... ... ... ... ... (*sec.* 78) 438

—— to take into consideration drafts of laws respecting slavery transmitted by Governor-general in Council, and communica teinstructions thereon (*sec.* 88) 440

DIVIDENDS. (See Security Fund, and Stock.)

DIVORCE. (See Parliament.)

DUTIES imposed in India upon export, import, or transit of goods, not to be valid until sanctioned by Court of Directors with approbation of Board.—Sanction and approbation to be signified in public despatches, describing regu-

DUTIES—*continued.*

PAGE

lations by title at full length.—Regulations, when promulgated in India, to contain mention of sanction and approbation; such mention to be evidence in Courts of justice ... (53 *Geo.* 3. *cap.* 155, *sec.* 25) 165

—— and Customs may be imposed on places and persons within jurisdiction of Courts established by Royal Charter, under the sanction of Court of Directors and Board of Commissioners—laws and regulations may be made, and fines, penalties, and forfeiture for non-payment imposed; such laws to be noticed, without being specially pleaded, in Courts established by Royal Charter, and proceedings for enforcing them to be had therein (*sec.* 98, 99) 183, 184

—— power of levying duties upon all persons and in respect of all goods, and all laws and regulations, fines and penalties previously made and imposed, confirmed—all orders to remain in force; all persons concerned in advising or acting under such orders indemnified—all actions and suits touching the levy of such duties to be void, except as to costs; but no person indemnified for acts done without authority or contrary to meaning of orders intended to be confirmed (54 *Geo.* 3, *cap.* 105, *sec.* 1 & 2) 195, 196

EASTERN SETTLEMENTS. (See Malacca, Prince of Wales' Island, and Sincapore.)

ECCLESIASTICAL ESTABLISHMENT, Company to maintain a minister in every garrison or superior factory, to be approved by Archbishop of Canterbury or Bishop of London, and treated with all due respect ... (*Charter*) 3

—— ministers to learn Portuguese and native languages ... (*Charter*) 4

—— a bishopric (Calcutta) and three archdeaconries to be erected by letters patent ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 49) 170

—— salaries of bishops and archdeacons. (See Salaries.)

—— bishop to have no jurisdiction but as limited by letters patent. Crown may grant such jurisdiction in the East-Indies as thought necessary (*sec.*51 & 52) *ib.*

—— warrant relating to bishop and archdeacons to be countersigned by President of Board ... ... ... ... ... (*sec.* 53) 171

—— house to be provided for Bishop of Calcutta. Sum for the purpose to be defined by Directors with approbation of Board (4 *Geo.* 4, *cap.* 71, *sec.* 5) 230

—— visitation expenses of the Bishop of Calcutta to be defrayed by Company; amount to be fixed by Court of Directors, with approbation of Board (*sec.* 5) *ib.*

—— Bishop of Calcutta may admit persons to holy orders for cure of souls within his diocese only; persons ordained, unless British subjects, or belonging to the United Kingdom of Great Britain and Ireland, not required to take oaths and subscriptions required in England ... (*sec.* 6) *ib.*

—— two additional bishoprics may be erected, to be called bishoprics of Madras and Bombay ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 89) 440

—— Salaries. (See Salaries.)

—— jurisdiction of Bishops of Madras and Bombay to be determined by letters patent from the Crown ... ... ... ... (*sec.* 92) 441

—— limits of the three dioceses may be determined by the Crown (*sec.* 93) *ib.*

ECCLESIASTICAL ESTABLISHMENT—*continued.*

PAGE

—— Bishop of Calcutta to be metropolitan, subject to general superintendence of Archbishop of Canterbury; Bishops of Madras and Bombay to be subject to Bishop of Calcutta; and take oath of obedience (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 94) 441

—— warrant for bills for letters patent respecting Indian bishopricks to be countersigned by President of Board of Control ... ... (*sec.* 95) *ib.*

—— pensions to Bishops of Madras and Bombay. (See Retiring Pensions.)

—— passage money. (See Passage Money.)

—— on any person under the degree of a bishop, resident in India, being appointed to a bishoprick there, Archbishop of Canterbury, when required by letters patent of the Crown, may issue a commission to the two remaining Bishops to perform the ceremony of consecration ... (*sec.* 99) 442

—— visitation expenses of Bishops of Madras and Bombay to be provided for by the Company; sum to be fixed by the Court of Directors, with the approbation of the Board ... ... ... ... (*sec.* 100) *ib.*

—— two chaplains of the church of Scotland to be maintained at each Presidency, and to have same salaries as are allotted to military chaplains at Presidencies; to be ordained and inducted by Presbytery of Edinburgh, to be subject to that Presbytery, to the provincial synod of Lothian and Tweedale, and to the general assembly of the church of Scotland. Grants of money to sects of Christians not of the church of England or Scotland, by Governor-general in Council, with sanction of Court of Directors and Commissioners for affairs of India not precluded ... (*sec.* 102) 443

ELECTION. (See Directors and General Court.)

ESTATES, real of deceased persons within jurisdiction of Supreme Courts in India to be assets in the hands of executors—provisions respecting (9 *Geo.* 4, *cap.* 33, *sec.* 1 & 6) 287, 288

FACTORS or agents—provisions respecting sale or deposit of goods by (4 *Geo.* 4, *cap.* 83, *sec.* 1 & 3) 261, 262

—— ——— (6 *Geo.* 4, *cap.* 94, *sec.* 1 *a* 10) 278, 282

FEES—not to be taken by Governor-general and Council, Chief Justice, or Judges of Supreme Court of Fort William ... (13 *Geo.* 3, *cap.* 63, *sec.* 22) 26

—— counsellors, physicians, surgeons, and chaplains may take professional fees

—— (See also Presents.) (*sec.* 25) 27

FINES—mode of recovery from property in East-Indies. (See Court Supreme of Fort William.)

FIRE-ARMS—provisions for proving barrels not to extend to any for the use of the Company ... ... ... (53 *Geo.* 3, *cap.* 115, *sec.* 3) 162

—— ——— ... ... (55 *Geo.* 3, *cap.* 59, *sec.* 5) 196

FOREIGN Enlistment Act not to extend to persons entering the service of any prince or state in Asia under the authority of the Government of Fort William (59 *Geo.* 3, *cap.* 69, *sec.* 12) 210

FORGERY, provisions for the punishment of (11 *Geo.* 4 & 1 *Wm.* 4, *cap.* 66, *sec.* 7, 8, 10) 359, 360

—— ——— ... (2 & 3 *Wm.* 4, *cap.* 123, *sec.* 1 & 3) 373, 374

PAGE

FREIGHT, rate of, for specie and treasure conveyed on board his Majesty's ships may be fixed by the Crown—all bargains concerning freight to be void (59 *Geo.* 3, *cap.* 25) 208

FUND, Security. (See Security Fund.)

GENERAL COURT, members of Company may assemble at any convenient place (*Charter.*) 4

—— for choice of Directors ... ... ... ... ... ... *ib.*

—— for making by-laws, &c. ... ... ... ... ... ... *ib.*

—— for any other affairs concerning the Company ... ... ... *ib.*

—— when assembled to be called a General Court... ... ... ... *ib.*

—— corporations holding stock. (See Corporations.)

—— to be assembled to supply vacancies in number of Directors ... ... 5

—— to be assembled yearly in December, March, June, and September ... 6

—— if not duly held through default of Directors, any three Directors may summon a General Court to meet in the month coming next after that in which it should have been held ... ... ... ... ... *ib.*

—— to be summoned by Directors on demand of nine or more members holding each £500 stock, within ten days after such demand ... ... *ib.*

—— if not summoned on demand of nine proprietors duly qualified, may be summoned by notice fixed on the Royal Exchange by the said nine members; Court so summoned may despatch any business, hear and determine any complaint against a Director or Directors, and if the accused should not clear himself of complaint, another General Court may be held within ten days, in which offender may be removed for misdemeanor or abuse, and others elected in place ... ... ... ... ... ... *ib.*

—— may make by-laws; inflict reasonable penalties and punishments, and levy fines to the use of the Company, such by-laws not being repugnant to law, and to be confirmed and approved according to statute ... ... 7, 8

—— to determine by lot in certain cases where votes are equal. (See Lot.)

—— rules for taking ballots. (See Ballot.)

—— no proprietor to vote in respect of stock amounting to less than £1,000, nor until possessed twelve calendar months in his own right, not in trust, and free from incumbrance: excepting stock acquired by bequest, marriage, succession, custom of London, or by deed of settlement after the death of any person entitled for life to dividends of stock (13 *Geo.* 3, *cap.* 63, *sec.* 3) 23

—— Proprietor of £3,000 stock entitled to give two votes, £6,000 three votes, £10,000 four votes ... ... ... ... ... (*sec.* 4) *ib.*

—— at every election of Directors and every ballot, proprietor to make oath or affirmation of qualification before voting ... ... ... (*sec.* 6) *ib.*

—— persons committing perjury, or suborning others to do so, subject to penalties *ib.*

—— at elections of Directors, proprietors residing in the United Kingdom may vote by letter of attorney, oath or affirmation being made before Justice of Peace; making false oath or affirmation, or procuring such to be made, to subject offenders to penalties provided against perjury and subornation of perjury ... ... ... (3 & 4 *Wm.* 4. *cap.* 85, *sec.* 27) 424

GENERAL COURT—*continued.*

PAGE

—— letters of attorney for voting for Directors exempted from stamp duty (5 and 6 *Wm.* 4, *cap.* 64, *sec.* 6) 464

—— not to rescind, suspend, revoke, or vary any order of Court of Directors touching civil or military government, or revenues of India, after it has been approved by Board of Commissioners for Affairs of India (33 *Geo.* 3, *cap.* 52, *sec.* 23) 78

—— not to revoke or vary regulations respecting trade of friendly nations with India. (See Trade, external.)

—— equality of votes. (See Lot and Votes.)

GENERAL SOCIETY, incorporation of recited ... ... ... ... 1

—— to be incorporated ... ... (9 & 10 *Geo.* 3, *cap.* 44, *sec.* 62) 12

GIFTS. (See Presents.)

GOVERNMENTS INDIA GENERALLY, may address dispatches to secret committee (33 *Geo.* 3, *cap.* 52, *sec.* 22) 78

—— provisional appointments. (See Directors and Provisional Appointments.)

—— office of Governor-general or Governor becoming vacant, and no successor being on the spot, Councillor next in rank to execute office—if Council Board be reduced to one member besides Governor-general or Governor, the latter may call a senior merchant to be a temporary member—acting officers to be entitled to emolument and advantages of offices, the acting Governor-general or Governor foregoing for the time his salary as councillor ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 29) 79 & 80

(See also Governments subordinate, and Governor-general and Council of India.)

—— Commander-in-chief, although a member of Council, not to succeed to temporary Government, unless provisionally appointed ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 30) *ib.*

—— vacancies in Council, when no successor on the spot, to be supplied by Governor-general in Council and Governors in Council from among senior merchants—persons thus appointed to have powers and emoluments till the arrival of a successor duly appointed (33 *Geo.* 3, *cap.* 52, *sec.* 31) *ib.*

(See also Governor-general and Council of India.)

—— vacancies to be supplied by Governor-general in Council, or Governor in Council, but temporary members of Council when drawing salary of that office to forego their own, and no person to be appointed temporarily who might not have been appointed to supply the vacancy (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 64) 434

—— Commander-in-chief may be appointed member of Council to take rank next to Governor-general or Governor, but not entitled to any salary in respect of seat in Council unless specially granted (33 *Geo.* 3, *cap.* 52, *sec.* 32) 80

(See also Governor-general and Council of Fort William.)

—— Commander-in-chief of all the forces when resident at Fort St. George and Bombay, to be a member of Council there, and if the provincial commander-in-chief have a seat in Council, he may continue to sit and deliberate, but not to vote ... ... ... ... ... (*sec.* 33) 81

GOVERNMENTS INDIA—*continued.*

PAGE

—— if member of Council incapable of acting or absent from Presidency, Governor-general or Governor may call provisional successor, or senior merchant, to assist for that turn, but such occasional Councillor not to receive salary nor vacate office ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 34) *ib.*

—— resignation and departure. (See Officers and Servants.)

—— Councils to consider in first place matters proposed by Governor-general or Governor—competent to Governor-general or Governor to adjourn discussion for not more than forty-eight hours—no matter to be adjourned more than twice without consent of Councillor who proposed it (*sec.* 38) 83

—— proceedings to be expressed to be by Governor-general in Council or Governor in Council ... ... ... ... ... (*sec.* 39) *ib.*

—— to be signed by chief secretary, or principal secretary of department (53 *Geo.* 3, *cap.* 155, *sec.* 79) 175

—— in case of difference of opinion between Governor-general and Council, or between Governor and Council, on any matter essentially affecting the interest of the Company, or the safety and tranquillity of the British Government, the grounds and reasons of their respective opinions to be stated in writing, exchanged and recorded on secret consultations—if difference continue Governor-general or Governor may make order without the concurrence of the Council, which being duly signed, shall be valid and effectual, and all officers are required to obey it (33 *Geo.* 3, *cap.* 52, *sec.* 47) 86

—— Governor-general or Governor to be alone responsible for any order recorded without concurrence of any other member of Council ... (*sec.* 48) 87

—— but no power given to Governor-general or Governor to make any order by their sole authority which could not have been lawfully made by Governor-general or Governor in Council ... ... ... (*sec.* 49) *ib.*

—— no person on whom office of Governor-general or Governor may devolve by death or resignation, nor any deputy Governor-general or Governor, to have discretionary power of acting without concurrence of Council, unless provisionally appointed to succeed, or unless and until confirmed in office ... ... ... ... ... (*sec.* 50) 88

—— discretionary power of Governor-general or Governor not to extend to judicial matters; nor to making or repealing any regulation of government, nor to imposing any tax or duty ... ... ... (*sec.* 51) *ib.*

—— no Governor-general, Governor, or member of Council, be concerned in trade. (See Trade.)

—— may appoint Coroners. (See Coroners.)

—— limits of Presidencies. (See Directors.)

—— on intended absence from Council of Governor-general or Governor being signified, senior member present to preside, with same powers as Governor-general or Governor; but no act of Council to be valid, unless signed by Governor-general or Governor, if not prevented by indisposition: if Governor-general or Governor, not being so prevented, refuse or decline to sign acts of Council, grounds and reasons of difference to be exchanged by Governor-general or Governor and members of Council, subject to such

GOVERNMENTS INDIA—*continued.*

regulations and ultimate responsibility as directed in 33 Geo. 3, cap. 52, sec. 47 to 51: nothing however to prevent Governor-general, when absent from Bengal, nominating a vice-president and deputy Governor of Fort William ... ... ... (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 12) 128

—— may establish banks. (See Banks.)

—— duties on goods. (See Duties.)

—— may remove subjects of foreign states. (See Residence.)

GOVERNOR-GENERAL and Council of Fort William to be Justices of the Peace. (See Justices of the Peace.)

—— not subject to proceedings of Supreme Court. (See Court Supreme of Fort William.)

—— liable to prosecution and suit in Great Britain (21 *Geo.* 3, *cap.* 70, *sec.* 4) 42
(For mode of proceeding, see Court Supreme Fort William.)

—— no prosecution or suit to be carried on against Governor-general, or member of Council, before any Court in Great Britain (except the High Court of Parliament) unless commenced within five years after offence committed, or five years after arrival of accused party in England ... (*sec.* 7) 43

—— a committee thereof to be a Court of appeal from provisional Courts in civil cases; judgment to be final and conclusive, except upon appeal to the Crown in civil suits of certain value; to hear and determine on all offences committed in the collection of revenue, and to inflict punishment not extending to death, maiming, or perpetual imprisonment (*sec.* 21 & 22) 45

—— to frame regulations for provincial Courts and Councils, to be transmitted within six months to Court of Directors, which regulation his Majesty may approve or disallow; if not disallowed within two years to be of force and authority, provided no new expense to suitors be produced thereby (*sec.* 23) *ib.*

—— to superintend, control, and direct Governors of Fort St. George and Bombay, and all other governments erected by the Company (33 *Geo.* 3, *cap.* 52, *sec.* 40) 83

—— in transmitting orders to subordinate presidencies, shall transmit dates of last orders received from Court of Directors or Secret Committee; on receipt from subordinate presidencies of orders from Court or Secret Committee, to give such further orders as may be judged necessary ... (*sec.* 41) 84

—— not to declare war, nor commence hostilities, nor enter into any treaty for making war, nor guaranteeing possessions (except hostilities be commenced or in preparation against the British nation, its dependants, or allies), without authority of the Court of Directors or Secret Committee; nor to declare war, commence hostilities, nor enter into treaty for the purpose against any prince or state not actually committing hostilities, or making preparations for committing them; not to guarantee possessions of prince or state, but upon consideration of receiving actual assistance against hostilities; and in all cases of hostilities commenced or treaty made, communication to be made to the Court of Directors or Secret Committee by the most expeditious means, with full information, and motives and reasons at large ... .. ... ... ... ... (*sec.* 42) *ib.*

GOVERNOR-GENERAL, &c.—*continued.*

PAGE

—— may, upon reasonable grounds, secure persons suspected of carrying on illicit correspondence dangerous to the peace and safety of the British possessions; may commit such person to custody; accused party to be permitted to make defence and call witnesses, who, as well as the witnesses in support of the charge, are to be examined and cross-examined on oath in presence of the accused, and depositions and examinations taken down in writing; parties may be detained till brought to trial in India or sent to England; and all examinations and proceedings, or copies to be sent to Court of Directors, under judicial seal, by first despatches; party if departed to England to be sent by first convenient opportunity, unless disabled by illness; examination and proceedings transcribed to be received in evidence in all Courts of law, subject to just exceptions as to competency of witnesses (33 *Geo.* 3, *cap.* 52, *sec.* 45) 86

—— Governor-general having occasion to be absent from Bengal, may nominate member of Council Vice-president and Deputy-governor of Fort William; government to be exercised by him and Council in manner of governments of Forts St. George and Bombay ... ... ... (*sec.* 53) 88

—— Governor-general, while absent from Bengal, may issue orders to governments, or to officers and servants, without previously communicating such orders to governments, which orders are to be obeyed, and have same force as if made by Governor-general in Council at Fort William; Governor-general alone responsible for orders made on his sole authority; to transmit to respective governments, by first opportunity, copies of orders to officers and servants, with reasons, and to Court of Directors copies of all orders whatever, also with reasons ... ... ... (*sec.* 54) *ib.*

—— may appoint justices of the peace. (See Justices of the Peace.)

—— Regulations. (See Regulations.)

—— when offices of Governor-general and Commander-in-chief of all the forces in India may be vested in the same person, the commander of the forces on the Bengal establishment may be appointed a member of the Supreme Council, to have rank next to Governor-general, but not to succeed to Government on vacancy, unless provisionally appointed; vacancy to be supplied by the councillor next in rank to the commander of the forces; to be subject to recal by the same persons, and in the same manner, and to have the same powers, franchises, and authorities as member of Council, as if appointed thereto as Commander-in-chief of all the forces of India (45 *Geo.* 3, *cap.* 36, *sec.* 1 *to* 3) 139, 140

—— imposition of duties. (See Duties.)

—— Governor-general and members of Council of Fort William on 22d of April 1834, to be Governor-general and members of Council of India (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 41) 428

GOVERNOR-GENERAL AND COUNCIL OF INDIA.—Superintendence, direction, and control of the whole civil and military government of India vested in Governor-general of India in Council ... ... ... (*sec.* 39) *ib.*

—— to be four ordinary Members of Council; three to be appointed by the Court of Directors from among such persons as are, or have been, in the

PAGE

service of the Company, each of whom shall have been in the service ten years; if in military service, not to hold any command or be employed in actual military duties during continuance in office—fourth ordinary member to be a person not previously in the service of the Company; to be appointed also by the Court of Directors, but subject to the approbation of the Crown—such fourth ordinary member not to sit or vote in Council, except at meetings for making laws and regulations—Commander-in-chief of forces in India, or Commander-in-chief of forces on Bengal establishment, may be appointed extraordinary member, to take rank next after Governor-general ... ... (*3 & 4 Wm. 4, cap. 123, sec. 40*) 428

—— to have power to make, repeal, and alter laws and regulations for all persons, British, native, and foreign, for all Courts, whether established by Royal Charter or otherwise, and for all places and things in every part of the territories under the government of the Company, and for all servants of the Company within the dominions of princes and states in alliance therewith; but not to repeal or vary Act 3 & 4 Wm. 4, cap. 85, nor mutiny Acts, either for forces of the Crown or of the Company, nor any Act subsequently to be passed affecting the Company's territories or inhabitants, nor any laws affecting the prerogative of the Crown or authority of Parliament, or constitution and rights of the Company, or unwritten law or constitution of Great Britain and Ireland, whereon may depend allegiance to the Crown or its sovereignty over the territories of India ... (*sec. 43*) 429

—— to repeal laws disallowed by the Court of Directors, but while unrepealed such laws to have same force and effect as an Act of Parliament—registration or publication in any Court of justice not necessary—no law giving power to any Court of justice, except those established by Royal Charter, to sentence to death any of his Majesty's European subjects, or their children, nor which shall abolish any Court to be established by Royal Charter, to be made without previous sanction of Court of Directors (*sec. 44, 45, 46*) *ib.*

—— rules for discharge of functions. (See Directors.)

—— presence of Governor-general, and three ordinary Members of Court, necessary to making laws and regulations; for other functions presence of Governor-general and one ordinary Member sufficient; in case of equality of votes, the Governor-general to have casting vote ... (*sec. 48*) 430

—— where Governor-general may differ from majority of Council on any question where safety, tranquillity, or interests of British possessions may be affected, exchange in writing, of grounds and reasons, of their opinions, to take place, to be recorded on secret consultations; if difference still continue, Governor-general may act on his own authority and responsibility ... ... ... ... ... ... (*sec. 49*) *ib.*

(See Governments India generally.)

—— Council may assemble at any place in India; if within subordinate presidencies, the Governor of such presidency to act as extraordinary Member ... ... ... ... ... (*sec. 50*) *ib.*

—— enactments, &c. relating to Governor-general of Fort William in Council

GOVERNOR-GENERAL, &c.—*continued.*

PAGE

and Governor-general of Fort William alone to be applicable to the Governor-general of India in Council and Governor-general of India alone respectively ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 52) 431

—— to take into consideration opinions of law Commissioners and transmit them with opinions and resolutions to Court of Directors ... (*sec.* 54) *ib.*

—— (See also Law Commissioners and Parliament.)

—— on vacancy in office of Governor-general of India occurring when no successor on the spot, ordinary Member of Council next in rank to hold and execute office till arrival or appointment of a successor, and while acting to exercise all rights and powers, and to receive emoluments foregoing his own ... ... ... ... ... (*sec.* 62) 433

—— on vacancy in office of Member of Council and no successor on the spot, Governor-general to make temporary appointment; person appointed to have all powers and be entitled to all emoluments of office foregoing those of his own; but no person to be appointed temporary Member who might not have been appointed to fill the vacancy .. ... ... (*sec.* 64) 434

—— to control civil and military administration of subordinate Presidencies (*sec.* 65) *ib.*

—— to take into consideration drafts of laws from subordinate Governments and communicate resolutions thereon ... ... ... ... (*sec.* 66) 435

—— may appoint an ordinary Member of Council Deputy Governor of Fort William, who may exercise all powers and duties, but receive no additional salary ... ... ... ... ... ... (*sec.* 69) *ib.*

—— (See also Governor-general and Council of Fort William.)

—— whenever Governor-general shall be about to visit any part of India without Council, such Governor-general may nominate some Member of Council President, in whom during absence of Governor-general his powers in assemblies of Council shall be reposed, and Governor-general alone may be authorized by law to exercise all or any of the powers of Governor-general in Council, except that of making laws or regulations; during absence of Governor-general no law to be made without his assent in writing ... ... ... ... ... ... (*sec.* 70) *ib.*

—— to take into consideration means of mitigating and extinguishing slavery, and to prepare and transmit to Court of Directors drafts of laws for the purpose, due regard being had to laws of marriage, and rights and authorities of fathers and heads of families—no such laws to be promulgated or put in force without previous sanction of the Court of Directors (*sec.* 88) 440

—— Governor-general, Vice-President, and Members of Council, and all persons acting under their authority, indemnified for acts done between 22d April 1834 and 1st January 1835 not in accordance with the law, and are declared valid ... ... (5 & 6 *Wm.* 4, *cap.* 6, *sec.* 1 & 2) 457, 458

—— Governor-general in Council may appoint servant of ten years' service to be Lieutenant-governor of north-western provinces, and limit extent of territories and of authority ... ... (5 & 6 *Wm.* 4, *cap.* 52, *sec.* 2) 460

GOVERNOR-GENERAL—*continued.*

PAGE

—— Acts passed by Governor-general of India in Council, and printed in this collection :—

No. 1 of 1834, confirming Acts done between 22d April and 14th November 1834 ... ... ... ... 509
2 — Secretaries ... ... ... ... ... *ib.*
4 of 1835, Justices of the Peace ... ... ... ... *ib.*
4 of 1836, Insolvent Debtors ... ... ... ... 512
8 — Judicial Offices ... ... ... ... *ib.*
11 — Jurisdiction of Company's Courts ... ... *ib.*
14 — Customs, Bengal ... ... ... ... 513
24 — Judicial Offices ... ... ... ... 521
28 — Town Assessments ... ... ... ... *ib.*
32 — Prohibition of Importation of Sugar into territories subject to Presidency of Fort William ... ... 522
1 of 1837, Justices of the Peace ... ... ... ... 525
4 — Holding of Land ... ... ... ... *ib.*
7 — Power of Courts established by Royal Charter in case of convict recommended for free pardon ... *ib.*
9 — Immoveable property of Parsees ... ... *ib.*
16 — Customs, Bengal ... ... ... ... 526
19 — Competency of Witnesses ... ... ... 527
20 — Immoveable property in Eastern Settlements ... *ib.*
26 — Absence of Governor in North-Western provinces 528
1 of 1838, Customs, Bombay ... ... ... ... *ib.*
31 — Criminal Justice ... ... ... ... 543
32 — Justices of the Peace ... ... ... ... 550
3 of 1839, Jurisdiction of Revenue Courts and Courts of Moonsiffs *ib.*
15 — Prohibition of importation of Sugar into territories subject to Presidency of Fort St. George ... 551

GOVERNMENTS SUBORDINATE, to obey orders of Governor-general in Council of Fort William, except where contrary orders have been received from the Court of Directors or Secret Committee, without the knowledge of Governor-general in Council; to transmit to Government of Fort William copies of all orders from Court of Directors or Secret Committee so deemed contrary and unknown, and an account of all instructions and orders given in consequence ... ... ... (*33 Geo. 3, cap. 52, sec. 41*) 84

—— not to make war or peace, nor conclude a treaty, except in cases of emergency or danger, but under orders from the Governor-general in Council of Fort William, or Court of Directors, or Secret Committee; every treaty, if possible, to contain a clause subjecting it to ratification or rejection by Governor-general in Council of Fort William; to obey orders of Governor-general in Council concerning such matters; in case of refusal or neglect, Governors, Councillors, and other officers to be liable to be removed or suspended by Governor-general in Council, and sent to England, and to be subject to such further pains and penalties as shall be provided by law ... ... ... ... ... ... (*sec. 43*) 85

GOVERNMENTS, &c.—*continued.*

PAGE

— to transmit to Fort William copies of all orders, &c., and advice of all transactions and matters material to be communicated, or which may be required ... ... ... ... 33 *Geo.* 3, *cap.* 52, *sec.* 44) 85
— ——— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 68) 435
— to have same powers with regard to suspected persons as Governor-general and Governor-general in Council of Fort William (which see) (33 *Geo.* 3, *cap.* 52, *sec.* 46) 86
— Governors and Members of Council to be justices of the peace. (See Justice of the Peace.)
— may appoint justices of the peace. (See Justices of the Peace.)
— executive governments of presidencies to be administered by Governor and three Councillors, having same rights and voices, and observing same course and ordinary proceeding as previously preserved at Forts St. George and Bombay—Governor-general of India for time being to be Governor of Fort William ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 56) 432
— Councils may be suspended, revoked, or reduced in number (*sec.* 57) *ib.*
— when Councils suspended at any presidency, government to be administered by Governor alone ... ... ... ... ... (*sec.* 52) 431
— Governors on 22d April 1834, to continue in office ... ... (*sec.* 58) 432
— when Council suspended, or none appointed, Governors of presidencies to possess rights, powers, duties, functions, and immunities, previously enjoyed by Governors in Council of Fort St. George and Bombay, not repugnant to Act ... ... ... ... ... ... (*sec.* 59) *ib.*
— Governor and Members of Council to have all rights, powers, &c. of Governors and Members of Council of Fort St. George and Bombay (*sec.* 59) *ib.*
— but not to make or suspend laws, except in case of urgent necessity, and then only till the decision of the Governor-general of India in Council shall be signified; nor to create any new office, nor grant any salary, gratuity, or allowance, without previous sanction of Governor-general of India in Council ... ... ... ... ... ... (*sec.* 59) *ib.*
— on vacancy in office of Governor where no successor on the spot, the Member of Council next in rank (if there be a Council) to hold and execute office till successor arrive or be appointed; if no Council, the senior secretary to act as governor; acting governor entitled to emoluments of office, foregoing his own ... ... ... ... ... ... (*sec.* 63) 434
— to obey orders and instructions of Governor-general in Council in all cases whatever ... ... ... ... ... ... (*sec.* 65) *ib.*
— may propose drafts of laws, with reasons ... ... ... (*sec.* 66) 435
— powers of Governors not to be suspended by visits of Governor-general to presidencies ... ... ... ... ... (*sec.* 67) *ib.*

GOVERNORS of plantations, Lieutenant-governors, Deputy-governors, or Commanders-in-chief guilty of oppression, may be tried in Court of King's Bench or by commission ... ... ... (11 & 12 *Wm.* 3, *cap.* 12) 14
— or deputy-governors of settlement, presidencies, territories or plantations of

GOVERNORS, &c.—*continued.*

PAGE

East-India Company incapable of being elected, or sitting, or voting as Member of the House of Commons while holding office. Election and return void, and person sitting or voting in contravention of Act liable to penalty of £500 ... ... ... (10 *Geo.* 4, *cap.* 62) 349

—— fees and presents. (See Fees and Presents.)

—— acts done by after demise of the Crown valid, and thereafter their commissions to continue in force until eighteen months after such demise (1 *Wm.* 4, *cap.* 4, *sec.* 1 *&* 2) 363, 364

GRATUITIES. (See Salaries, Allowances, and Gratuities. See also Presents.)

HAILEYBURY. (See Civil Service and College.)

HOME EXPENSES OF COMPANY—Directors to frame and submit to the Board an estimate of the gross sum annually required for salaries and expenses; if amount reduced reasons to be given; amount to be applicable at discretion of Directors, and Board not to interfere with or control particulars; accounts to be kept and rendered as of other branches of Company's expenditure ... ... ... (3 *&* 4 *Wm.* 4, *cap.* 85, *sec.* 37) 427

INSOLVENT DEBTORS—In India: Supreme Court at Fort William and Madras, and Recorder's Court at Bombay, may make rules and orders for administering the Lords' Act; such rules and orders to be transmitted for the royal approbation, and to be in force till reversed or varied (39 *&* 40 *Geo.* 3, *cap.* 79, *sec.* 23) 131

—— former proceedings of Courts in India, for relief of insolvent debtors, ratified and confirmed ... ... ... ... ... (*sec.* 24) 132

—— no debtor or creditor to petition under the Lords' Act (1 *&* 2 *Vic.*, *cap.* 110, *sec.* 119) 489

—— provisions for the relief of insolvent debtors in India, and modes of proceeding ... ... (9 *Geo.* 4, *cap.* 73, *sec.* 1 *to* 81) 294 *a* 319

—— Act continued ... ... ... ... (2 *Wm.* 4, *cap.* 43) 365

—— Amended by 4 & 5 Wm. 4, cap. 79, sec. 1 *a* 7 ... ... 453 *to* 456

—— Act and Amending Act further continued; and acts done subsequently to the expiration of the former Acts rendered valid (6 *&* 7 *Wm.* 4, *cap.* 47) 468

—— in England.—Transfer of Stock. (See Stock.)

—— assignees not entitled to pay, half-pay, salary, emoluments, or pension of any person having been in the naval or military service of the Company, or employed in any way under the Court of Directors; but so much thereof may be ordered to be paid to the assignees as the Court of Directors' consent, in writing, may warrant: order and consent to be lodged with the secretary ... ... ... (1 *&* 2 *Vic. cap.* 110, *sec.* 56) 488

—— in Ireland.—Assignees of insolvents being in the naval or military service of the East-India Company, not entitled to their pay or pension; but the Court may order such portion thereof to be paid them as the Court of Directors, by writing under the hands of their secretary,

INSOLVENT DEBTORS—*continued.*

PAGE

may consent to, which, on order being lodged in the office of the secretary, shall be so paid until Court for relief of insolvent debtors make order to the contrary ... (1 & 2 *Geo.* 4, *cap.* 59, *sec.* 47) 221

INSOLVENCY of Gilbert Ricketts, Esq. (See Ricketts, Gilbert.)

INTEREST.—Not more than twelve per cent. per annum to be taken by any of his Majesty's subjects in the East-Indies for loan of money, &c.—securities for repayment of principal or interest thereupon at higher rate to be void; and persons, by deceit or covin, taking higher rate, to forfeit treble the value of money, &c. lent; one moiety to the Company and the other to party suing—if no action brought within three years, party aggrieved may sue for recovery of all sums of money paid over and above legal rate of interest ... ... ... ... (13 *Geo.* 3, *cap.* 63, *sec.* 30) 27

—— Actions not to be compromised without order or consent of Supreme Court, persons offending liable to fine and imprisonment ... (*sec.* 31) 28

(See also Debt.)

JUDGES of Courts in India may become shareholders in banks, but judges of his Majesty's Courts not to be directors, &c. (See Banks in India.)

—— of Supreme Court of Fort William to be justices of the peace. (See Justices of the Peace.)

JURY.—Offences and misdemeanors laid in Supreme Court to be tried by jury (13 *Geo.* 3, *cap.* 63, *sec.* 34) 28

—— All good and sufficient persons resident in Calcutta, Madras and Bombay, not being subjects of foreign states, eligible for jurors, subject to rules (7 *Geo.* 4, *cap.* 37, *sec.* 1) 283

—— Courts to make rules and regulations; certified copies to be laid before the Crown—rules to be valid till repealed or varied ... ... (*sec.* 2) *ib.*

—— provision that grand juries in all cases, and all juries for trial of Christians should consist of Christians, repealed (2 & 3 *Wm.* 4, *cap.* 117, *sec.* 2) 373

JUSTICE, criminal. (See Criminal Justice.)

JUSTICE, Chief, and Judges of Supreme Court of Fort William, guilty of offences may be tried in Court of King's Bench in England (13 *Geo.* 3, *cap.* 63, *sec.* 39) 29

(See Judges and Justices.)

JUSTICES OF THE PEACE.—Governor and Council of Fort William, Chief Justice and Judges to be ... ... ... ... (*sec.* 38) *ib.*

—— Governor-general in Council of Fort William, by commission issued under seal of the Supreme Court of Judicature, may appoint: Supreme Court to supersede commission and issue new ones on requisition of Governor-general in Council; commissions to be filed in respective Courts of Oyer and Terminer and Gaol Delivery; persons nominated not to hold any Court of Oyer and Terminer and Gaol Delivery, nor sit in such Court unless called upon by the justices of the Court; but when so called, shall sit and have a deliberative voice, being first specially authorized by order in Council ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 151) 100

—— no person to act as Justice of the Peace till he has taken requisite oaths in Court of Oyer and Terminer ... ... ... (*sec.* 152) *ib.*

JUSTICES OF THE PEACE.—*continued.*

PAGE

—— or in any civil or criminal Court of Justice in the provinces for which commission may be issued ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 112) 192

—— proceedings of Justices of Peace may be removed by *certiorari* to Court of Oyer and Terminer, within six months (33 *Geo.* 3, *cap.* 52, *sec.* 153) 101

—— recognizances to be entered into before granting writs of *certiorari* (*sec.* 154) *ib.*

—— Governor-general in Council and Governors in Council may call Justices of Peace to sit with them in hearing and determining appeals (*sec.* 155) 102

—— may appoint scavengers, order watching and repairing of streets, and make assessments not exceeding in the whole in any one year one-twentieth part of the gross annual value of the property assessed; Governor-general in Council or Governor in Council may, on urgent occasions, authorize further assessment, not exceeding in one year half the amount of ordinary annual assessment; collection to be made and money employed under direction of Justices, and assessments may be raised by warrant of Justices, under hand and seal, by distress and sale ... ... (*sec.* 158) 103

—— no spirits to be sold within Calcutta, Madras, and Bombay, without license from; legal powers to be put in force against unlicensed traders; Justices to determine limits of towns and factories ... ... (*sec.* 159) 104

—— no corporal punishment to be inflicted but upon due conviction before Justices of Fort William; no conviction to be reversed or brought into any superior Court ... ... (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 19) 130

—— Governors and Members of Council of Fort Saint George and Bombay to be Justices of Peace ... ... (47 *Geo.* 3, *sess.* 2, *cap.* 68, *sec.* 4) 141

—— Governor in Council of Fort Saint George and Bombay may appoint Justices of the Peace in like manner as at Fort William (which see above), and subject to the same rules, restrictions, and regulations ... (*sec.* 5) 142

—— duties of, on charges of felony ... (9 *Geo.* 4, *cap.* 74, *sec.* 2 & 3) 319, 320

—— on charges of misdemeanor ... ... ... (*sec.* 4 & 40) 320, 327

—— may be fined for offending ... ... ... ... (*sec.* 6) 321

—— duty in regard to summary proceedings ... (*sec.* 41 to 50) 328, 330

—— any persons resident in the British possessions under the government of the Company, and not being subjects of foreign states, may be appointed Justices at the discretion of the local governments; to take such oath or affirmation as may be from time to time prescribed (2 & 3 *Wm.* 4, *cap.* 117, *sec.* 1) 373

KING'S BENCH, Court of, mode of proceeding in, for prosecution of parties accused of exortion, or other misdemeanors in India (24 *Geo.* 3, *cap.* 25, *sec.* 64, 65) 47, 48

—— ———— (26 *Geo.* 3, *cap.* 57, *sec.* 15, 16, 17, 22, 24, 25, 26) 61 to 65

(See also Mandamus.)

LANDS. (See Company and Residence.)

LASCARS. (See Seamen.)

LAW COMMISSION, to be issued to persons recommended by Court of Directors, with approbation of Board of Control, and to such other persons if necessary,

LAW COMMISSION—*continued.*

PAGE

as the Governor-general in Council shall think fit; number not to exceed five; to be styled India Law Commissioners; to inquire into jurisdiction, powers, and rules of existing Court, and police establishment, forms of judicial procedure, nature and operation of laws, civil, criminal, written, or customary, to report results, and suggest alterations, regard being had to caste, religion, manners, and opinions among different races and in different parts; to follow instructions of Governor-general in Council, and to make special reports when required. Salaries and expenses to be defrayed; salaries of commissioners to be according to the highest remuneration given below the rate of member of Council (*3 & 4 Wm. 4, cap. 85, sec. 53, 54, 55*) 431, 432

LAWS, Expiring. (See Continuing Bills.)

LETTER OF ATTORNEY. (See Stock.)

LIME-STREET. Company not to be liable to repairs of (*36 Geo. 3, cap. 119, sec. 16*) 109

LIMITS of towns of Calcutta, Madras, or Bombay, to be determined by Governments (*33 Geo. 3, cap. 52, sec. 159* 104

—— may be extended by local governments, after which all jurisdictions and powers bounded by limits of towns shall be regulated by the new limits, but no order or regulation to be valid unless sanctioned or authorized to be made by Court of Directors, with approbation of the Board (*55 Geo. 3, cap. 84, sec. 1*) 198

LITERATURE. One lac of rupees to be set apart annually for revival and improvement of literature, encouragement of learned natives, and introduction and promotion of knowledge of the sciences; schools, public lectures, and other institutions for the purpose, to be governed by rules framed by Governor-general in Council, subject to powers vested in Board of Commissioners; all appointments to schools, lectureships, or institutions, to be made by governments under which they are situated (*53 Geo. 3, cap. 155, sec. 43*) 167

LOAN. (See Interest and Native Princes.)

LOT, on equality of votes in any General Court or Court of Directors, determination to be by lot ... ... ... ... (*Charter*) 9

—— but only in cases of election to office or place where there shall be more than one candidate ... ... ... (*53 Geo. 3, cap. 155, sec. 77*) 174

LUNATICS, except parish paupers, not to be received into any licensed house without order and medical certificate in prescribed form, but Act not to extend to Bethlehem Hospital, nor Royal Military or Naval Hospitals, nor County Lunatic Asylums, nor Public Hospitals, nor Charitable Institutions, except as to visitations and transmission of Reports (*2 & 3 Wm. 4, cap. 107, sec. 27, 28, 62, & 63*) 369, 370

—— (See also Stock.)

MADRAS. (See Governments Subordinate, and Limits.)

MALACCA, transferred to the East-India Company (*5 Geo. 4, cap. 108, sec. 1*) 264

—— annexed to Prince of Wales' Island ... (*6 Geo. 4, cap. 85, sec. 21*) 277

MAGISTRATES. (See Court Supreme of Fort William, Justices of the Peace and Residence.)

PAGE

MARRIAGES—all marriages solemnized in India before 31st December 1818 by ministers of the Church of Scotland to be valid, and after that period if one of the parties be a member of the Church of Scotland and the minister be a Company's chaplain; minister to certify marriage in duplicate, one copy to be delivered to parties, the other transmitted to Government (58 *Geo.* 3, *cap.* 84) 207

—— solemnized by minister of the Church of England in chapel or house of British Ambassador or Minister, at British factories and within British lines, to be valid; this Act not to affect the validity of other marriages solemnized beyond sea ... ... ... (4 *Geo.* 4, *cap.* 91) 263

MANDAMUS—in cases of prosecution in Court of King's Bench for offences committed in India, Court may issue *mandamus*, requiring Judges of King's Courts in India to examine witnesses, evidence to be received in writing and sent home under seals of Judges—oath to be made as to identity and integrity of the document, and the depositions be then received in evidence (13 *Geo.* 3, *cap.* 63, *sec.* 40) 30

—— if accused person be for the time being a Judge of any Court of Judicature in India, *mandamus* to be directed to Governor-general in Council of Fort William, who is to take all proceedings ... ... (*sec.* 41) *ib.*

—— a commission for examination of witnesses in India may issue from any of the Courts in Westminister in actions of suits in law or equity commenced by the Company or others ... ... ... ... (*sec.* 44) 31

—— no depositions taken by virtue of 13 Geo. 3, cap. 63, to be given in any criminal cases, except such as shall be proceeded against in Parliament (*sec.* 45) 32

—— Judge or Judges to whom writ is directed to have like powers to compel attendance and examination of witnesses at the Court whereof they are Judges may possess in ordinary cases ... (1 *Wm.* 4, *cap.* 22, *sec.* 2) 365

—— Court of King's Bench, in case of prosecution for offences committed by any person holding public employment abroad, may issue writ of *mandamus* for examination of witnesses ... ... (42 *Geo.* 3, *cap.* 85, *sec.* 2) 134

—— may order examinations *de bene esse* on interrogation ... ... (*sec.* 3) 135

persons to whom writs of *mandamus* directed to do all things necessary for the due execution thereof ... ... ... ... (*sec.* 4) *ib.*

—— persons giving false evidence subject to pains of perjury ... (*sec.* 5) *ib.*

MARINE, BOMBAY—provisions of East-India Mutiny Act (4 Geo. 4, cap. 81) extended thereto ... ... ... (9 *Geo.* 4, *cap.* 72) 294

MILITARY Seminary to be continued, and Directors may make rules for, subject to the approbation and revision of the Board (53 *Geo.* 3, *cap.* 155, *sec.* 44) 168

—— establishment of officers in, and appointments by Head Master to be subject to approbation of Board of Control ... ... ... (*sec.* 47) 169

MONEY, interest of. (See Interest.)

MORAVIANS. (See Oath.)

NABOBS of Arcot and Carnatic. (See Arcot.)

NATIVE PRINCES.—No British subject, either directly or indirectly, to lend any money, or other valuable things, to any native prince, nor be concerned

NATIVE PRINCES—*continued.*

PAGE

in lending any money to any native prince, or raising or procuring any for him, nor be security for any such loan of money; nor make any loan to any other person for the purpose of being lent to such prince, nor directly or indirectly take bond, or be concerned in any bond, note, or other security, or assignment granted by such prince for his repayment of any money or other valuable thing, without previous consent of the Court of Directors, or of one of the Company's governments in India in writing. Offenders to be deemed guilty of misdemeanor at law, and may be proceeded against before any Court of competent jurisdiction. All securities to be void ... ... ... (37 *Geo.* 3, *cap.* 142, *sec.* 28) 116

—— on complaint made to any of Company's Governments in India of violation of this Act (37 Geo. 3, cap. 142), case to be laid before law officers, for their report to be transmitted to Court of Directors by first convenient opportunity ... ... ... ... ... (*sec.* 29) 117

NATIVE STATES.—British subjects committing offences in, to be amenable to all Courts of Justice, both in India and Great Britain, competent to try offences committed in India ... (33 *Geo.* 3, *cap.* 52, *sec.* 67) 92

NATIVES, registration of. (See Court Supreme of Fort William.)

—— offences against by British subjects. (See Residence.)

—— debts of small amount, due to from British subjects. (See Residence.)

—— all persons whatsoever being natives of India, to be subject, civilly and criminally, to all provincial Courts of competent jurisdiction. Supreme Courts to have a concurrent jurisdiction over natives employed by the Company or by his Majesty's subjects ... (53 *Geo.* 3, *cap.* 155, *sec.* 109) 191

—— no native of India, or natural-born subject resident therein, disqualified from office by reason only of religion, place of birth, descent, or colour (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 87) 440

NAVAL FORCE of the Crown sent to East-Indies, at the request of Court of Directors, with approbation of the Board, to be employed against native powers. Expense to be borne by the Company ... (7 *Geo.* 4, *cap.* 52) 284

OATH.—Quakers and Moravians (in India) to make declaration in place of oath in all cases, civil or criminal. Natives objecting to oath on ground of religious scruple, to make affirmation or declaration. Persons required to take oath on Holy Evangelists, in order to sit as members of any Court, or for any other purpose, may be sworn according to forms of their respective religions ... ... (9 *Geo.* 4, *cap.* 74, *sec.* 36-37) 326, 327

—— Quakers and Moravians (in England) allowed to make affirmation in all cases where oath required ... ... (3 & 4 *Wm.* 4, *cap.* 49) 380

—— and persons having been Quakers or Moravians ... (1 & 2 *Vic. cap.* 77) 486

—— Separatists allowed to make solemn affirmation and declaration instead of oath (3 & 4 *Wm.* 4, *cap.* 82) 416

—— provisions for abolition of unnecessary oaths (5 & 6 *Wm.* 4, *cap.* 62, *sec.* 1 to 8, 16 to 18, 20 to 22) 461 to 463

(See also Army, Corporations, Directors, Officers, and Servants.)

OFFENCES.—(See Governors of Plantations of King's Bench, Madeira.)

PAGE

OFFICES.—Act to regulate grant of offices in colonies or plantations of the Crown, not to extend to offices granted by East-India Company (54 *Geo.* 3, *cap.* 61, *sec.* 5) 194

(See Civil Service, Crown, Directors, Governments India generally, Governor-general and Council of Fort William, Governor-general and Council of India, Governments Subordinate, Officers and Servants, and Sale and Brokerage of Offices.)

OFFICERS of the Crown to be assisting to the Company ... ... (*Charter*) 10

OFFICERS AND SERVANTS of the Company, Directors may administer an oath to (*Charter*) 6

—— guilty of offences, &c. may be tried in Court of King's Bench (10 *Geo.* 3, *cap.* 47, *sec.* 4) 21

—— in all actions and suits against the Company, their agents or servants, defendant may plead general issue, and give special matter in evidence (*sec.* 5) *ib.*

—— but must deliver to plaintiff notice in writing of substance of defence six days before trial, in London or Middlesex, and eight days before trial in any other country ... ... ... ... ... (*sec.* 7) *ib.*

(See Residence.)

—— convicted in any Court of Judicature in India of breach of trust, or embezzlement, or defrauding the Company, may be fined and imprisoned, and adjudged to be for ever after incapable of serving the Company—immediately after execution of sentence may be sent to England by order of Court, unless offender shall remove himself within twelve months, and in meantime give security so to do ... (13 *Geo.* 3, *cap.* 63, *sec.* 33) 28

—— answerable to Courts of Oyer and Terminer and gaol delivery, and Courts of General and Quarter Sessions, for offences committed against any person in any part of Asia, Africa, and America, beyond the Cape of Good Hope to the Straits of Magellan ... (26 *Geo.* 3, *cap.* 57, *sec.* 29) 67

—— departure from India of Governor-general, Governor, member of Council, or Commander-in-chief, with intent to return to Europe, to be a resignation—resignation within the Presidency must be in writing, under hand and seal, and be delivered for the purpose of being recorded—salary to cease from day of departure, resignation, or surrender—in case of any officer quitting his station or Presidency, excepting on the service of Company, no payment to be made to any agent for his use, and in the event of his not returning, or of his proceeding to Europe, salary to cease from day of departure ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 37) 82

—— ——— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 79) 438

—— but payments may be made to representatives of officers, who having quitted their stations without proceeding or intending to proceed to Europe have died within the limits of the Charter or at the Cape, of such salary and allowances as they would have been entitled to had they returned, and payments made previously to the passing of this Act confirmed (7 *Geo.* 4, *cap.* 56, *sec.* 3 & 4) 285

—— payments to representatives of deceased servants as above to be lawful (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 79) 438

—— and provisions of former Acts against payment to agents, not to extend to

PAGE

the case of any officer under the rank of Governor or member of Council, quitting the Presidency under established rules, in consequence of sickness, and proceeding to places within prescribed limits, or with permission of Government, proceeding to another Presidency to embark for Europe, so that the port of departure be not more distant from the place quitted than the ports of his own Presidency—no rules to be valid until approved by Court under control of Board—Court may direct refund in case of permission being improperly granted, and the amount shall be recoverable at law ... ... (7 *Wm.* 4, & 1 *Vic. cap.* 47, *sec.* 1 *to* 3) 479, 480

—— British-born subjects appointed to collect or manage rents, duties, and revenues, to take oath ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 61) 91

—— wilful disobedience to orders of Court of Directors, except in case of necessity (the burden of proof of which to lie on the party disobeying), and wilful breach of trust or duty to be deemed a misdemeanor at law (*sec.* 65) 92

—— ———— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 80) 438

—— after sentence, or judgment against any officer or servant, Company not to release or compound such sentence or judgment in any case whatever, nor reinstate any servant removed for misbehaviour by sentence of Court of law ... ... ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 69) 93

—— no person holding civil or military station under rank of member of Council or Commander-in-chief having departed from India on leave, and not returning within five years, to be entitled to rank or restoration to office, nor capable of again serving in India, unless it be proved to the satisfaction of Court of Directors that his absence caused by sickness or infirmity, or unless permitted to return with rank by vote by ballot of three parts in four of a General Court specially convened with eight days' notice in the *London Gazette*, or unless in case of a military officer it be found to the satisfaction of Court of Directors and Board of Control that his absence was caused by sickness, infirmity, or inevitable accident ... (*sec.* 70) *ib.*

—— but certain military officers may be restored by Court and Board, although absence continue more than five years and be not caused by sickness, infirmity, or inevitable accident. (See Army, Company's.)

—— trade. (See Trade.)

—— subscription to and management of banks. (See Banks in India.)

—— civil or military, suspended or removed by Governments in India, not to be restored without the approbation of the Board (53 *Geo.* 3, *cap.* 155, *sec.* 83) 176

—— Company may consider claims of those affected by discontinuance of their trade and of their widows and children, and under the control of the Board grant compensation; but no such compensation to be granted till expiration of two months after particulars have been laid before Parliament. (See also Parliament.) ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 7) 419

—— division of Presidency of Fort William not to affect promotion or succession to office or command ... ... ... ... (*sec.* 71) 436

ORDINATION for Foreign Possessions. Persons may be admitted without canonical title, to orders of deacon and priest for foreign possessions only (59 *Geo.* 3, *cap.* 60) 209

PARLIAMENT. In proceedings touching offences committed in India, Lord Chancellor or Speaker may issue warrant to Governor-general and Council of Fort-William, or to Judges of his Majesty's Courts in India, for examination of witnesses, which, duly returned, are to be good and competent evidence ... ... ... (13 *Geo.* 3, *cap.* 63, *sec.* 42) 31

—— no proceedings to be discontinued by prorogation or dissolution (*sec.* 43) *ib.*

—— Court of judicature for trial of offences committed in India; mode of appointing, and proceeding (24 *Geo.* 3, *cap.* 25, *sec.* 66 *to* 82) 48 *to* 54

—— ———— ... ... (26 *Geo.* 3, *cap.* 57, *sec.* 1 *to* 23) 55 *to* 64

—— increased salaries, allowances, and gratuities, proposed by the Court of Directors, and approved by the Board, to be laid before Parliament (28 *Geo.* 3, *cap.* 8, *sec.* 4) 70

—— ———— ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 17 & 18) 76

—— accounts various to be laid before Parliament (33 *Geo.* 3, *cap.* 52, *sec.* 126) 95

—— account of increase and diminution of salaries, &c. of Board of Commissioners for Affairs of India, to be annually laid before Parliament (51 *Geo.* 3) *ib.*

—— copies of regulations passed in India, and transmitted to Court of Directors, 37 Geo. 3, cap. 142; 39 & 40 Geo. 3, cap. 79; and 47 Geo. 3, cess. 2, cap. 68; to be laid annually before Parliament, together with accounts (53 *Geo.* 3, *cap.* 155, *sec.* 66) 172

—— all laws and regulations made by Governor-general of India in Council, to be transmitted to England and laid before Parliament (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 51) 430

—— accounts of all superannuations granted to officers either of Board or Company for preceding year, to be laid before Parliament within fifteen days after meeting thereof ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 94) 182

—— copies of all warrants for granting salaries, pensions, and gratuities, to be submitted to both Houses of Parliament within one month of grant, or if Parliament be not sitting within one month after next meeting (*sec.* 88) 178

—— upon petition of any party praying a bill of divorce, Speaker of either House of Parliament may issue his warrant to the Judges of the Supreme Courts in India for the examination of witnesses; examinations to be certified and transmitted; Judges may ask further questions, and require further witnesses to be produced; proceedings not to be discontinued by prorogation ... ... ... ... (1 *Geo.* 4, *cap.* 101) 219, 220

—— Governors elected to serve in Parliament. (See Governors and Deputy Governors.)

—— particulars of all compensations granted to persons affected by discontinuance of Company's trade, and of salaries and allowances directed to be paid to officers, appointed by Board, to attend them during the winding up of the commercial concerns of the Company, to be laid before both Houses of

PAGE

Parliament within the first fourteen days after their first meeting, in every year ... ... ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 8) 419

—— rules framed for proceedings of Governor-general of India in Council, to be laid before Parliament ... ... ... ... (*sec.* 47) 430

—— rights of Parliament to legislate for India, reserved ... (*sec.* 51) *ib.*

—— reports of India Law Commissioners, with opinions or resolutions of Governor-general in Council thereon, to be laid before both Houses of Parliament ... ... ... ... ... ... (*sec.* 54) 431

—— report of drafts of Regulations, respecting slavery, received by Court of Directors, and their proceedings thereon, to be laid before both Houses of Parliament within fourteen days of their meeting ... (*sec.* 88) 440

—— accounts to be laid before both Houses annually, within the first fourteen sitting days after the 1st of May, of annual produce of revenue, distinguishing respective heads at each Presidency or Settlement; annual receipts and disbursements at home and abroad, distinguished under respective heads, with latest estimate of the same; amount of debts, rates of interest, annual amount of interest, state of effects and credits abroad and at home; lists of establishments and of salaries and allowances; Court of Directors, under control of Board, to prepare forms of accounts and estimates; particulars of new or increased salaries, establishments, or pensions, to be placed at foot of accounts ... ... ... ... (*sec.* 116) 445

—— rules for admitting students at Company's College to be laid before Parliament ... ... ... (7 *Wm.* 4, & 1 *Vic. cap.* 76, *sec.* 7) 482

PENSIONS. (See Retiring Pensions and Salaries.)

PASSAGE MONEY to Governor-general ... (53 *Geo.* 3, *cap.* 155, *sec.* 89) 180

—— —————— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 76) 437

—— Members of Council of Bengal ... (53 *Geo.* 3, *cap.* 155, *sec.* 89) 180

—— Members of Council of India ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 76) 437

—— Governor of Fort St. George ... ... ... ... (*ib.*) *ib.*

—— Members of Council there ... (53 *Geo.* 3, *cap.* 155, *sec.* 89) 180

—— Governor of Bombay ... ... ... ... ... (*ib.*) *ib.*

—— —————— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 76) 437

—— Members of Council there ... (53 *Geo.* 3, *cap.* 155, *sec.* 89) 180

—— Commander-in-chief of Forces of India ... ... ... (*ib.*) *ib.*

—— Commander-in-chief of Forces of Fort St. George ... ... (*ib.*) *ib.*

—— Commander-in-chief of Forces of Bombay ... ... ... (*ib.*) *ib.*

—— Chief Justice of Supreme Court of Fort William ... ... (*ib.*) *ib.*

—— Puisne Judges there ... ... ... ... ... (*ib.*) *ib.*

—— Chief Justice of Supreme Court of Madras ... ... ... (*ib.*) *ib.*

—— Puisne Judges there ... ... ... ... ... (*ib.*) *ib.*

—— Chief Justice of Supreme Court of Bombay (4 *Geo.* 4, *cap.* 71, *sec.* 12) 232

—— Puisne Judges there ... ... ... ... ... (*ib.*) *ib.*

—— Governor of Prince of Wales' Island ... 53 *Geo.* 3, *cap.* 155, *sec.* 89) 180

—— Recorder there ... ... ... ... ... (*ib.*) *ib.*

—— Bishop of Calcutta ... ... ... ... ... (*ib.*) *ib.*

PASSAGE MONEY—*continued.*

PAGE

—— Bishops of Madras and Bombay ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 91) 441
—— Archdeacons ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 89) 180
PERJURY AND SUBORNATION OF PERJURY punishable with transportation and imprisonment ... ... ... ... ... (2 *Geo.* 2. *cap.* 25) 15
in any matter connected with 53 Geo. 3, cap. 155, to be punishable according to the law of England ... (53 *Geo.* 3, *cap.* 155, *sec.* 122) 193
—— (See Army and General Court.)
PLANTATIONS. (See Governors of Plantations.)
POSTAGE, ship letters ... (7 *Wm.* 4, & 1 *Vic. cap.* 34, *sec.* 21, 22, 23, 24) 472, 473
—— ———— ... ... ... ... (*cap.* 36, *sec.* 6) 478
—— packet letters ... ... (1 *Vic. cap.* 76, *sec.* 1 & 2) 482, 483
—— ———— ... ... ... (1 & 2 *Vic. cap.* 97, *sec.* 2) 487
—— newspapers, parliamentary proceedings, &c. (7 *Wm.* 4, & 1 *Vic. cap.* 34, *sec.* 28 & 38) 473, 475
—— soldiers and seamens' letters ... ... ... (*cap.* 34, *sec.* 40) *ib.*
—— franking ... ... ... (7 *Wm.* 4, & 1 *Vic. cap.* 35, *sec.* 18) 476
(*cap.* 36, *sec.* 4) 477
—— interpretation of terms in post-office laws ... ... ... 478
POWER OF ATTORNEY. (See Stock.)
PRESENTS, &c., not to be taken by Governor-general, Council, Chief Justice, or Judges of Supreme Court of Fort William (13 *Geo.* 3, *cap.* 63, *sec.* 23) 27
—— nor by any civil or military officer under the Crown or the Company from natives of India ... ... ... ... ... (*sec.* 24) *ib.*
—— demanding or receiving, whether for use of the party or pretended to be for use of the Company, or of any other person, to be decreed extortion and a misdemeanor at law, to be proceeded against under 33 Geo. 3, cap. 52, and offender also to forfeit the whole gift or present received, or full value (33 *Geo.* 3, *cap.* 52, *sec.* 62) 91
—— Court or jurisdiction may order present to be restored or fine paid to the prosecutor ... ... ... ... ... (*sec.* 63) 92
—— professional fees of counsellors, physicians, surgeons and chaplains excepted from prohibition ... ... ... (13 *Geo.* 3, *cap.* 63, *sec.* 25) 27
(33 *Geo.* 3, *cap.* 52, *sec.* 64) 92
—— reception of present by Governor-general or Governor, or member of Council, for his own use, in discharge of his office, a misdemeanor (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 76) 437
PRESIDENCIES. (See Governments.)
PRINCE OF WALES' ISLAND. Singapore and Malacca annexed thereto, to be under such presidency as Court of Directors, with approbation of Board, may determine, or to form a separate settlement (6 *Geo.* 4, *cap.* 85, *sec.* 21) 277
—— Provision for administration of justice in ... ... ... (*sec.* 19) 276
PRIZE-MONEY.—Unclaimed shares of prize-money belonging to soldiers in the service of the Company, in the hands of agents and others, to be paid over to Company, and applied to Lord Clive's Fund, subject to be refunded,

PRIZE-MONEY—*continued.*

PAGE

without interest, on the establishment of a claim thereto (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 1) 222

—— —————— ... ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 1) 289

—— belonging to seamen to be paid over to the Company, to be applied to Poplar Hospital, subject to be refunded in like manner. (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 2) 222

—— —————— ... ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 2) 289

—— no right given to Company to prize-money or unclaimed shares belonging to soldiers and sailors in the service of the Crown, nor to shares to which Greenwich and Chelsea Hospitals are entitled ... ... (*sec.* 3) 290

—— payment in London to be made within six months, abroad within six months after notification of Act ... (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 3) 223

—— —————— ... ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 4) 290

—— all persons required to deliver to the secretary of the Company in London, or secretaries of Governments abroad, accounts on oath—deeds and papers may be inspected by persons duly authorized by Court of Directors, and copies taken; but not to extend to open accounts legally closed, nor to bar legal remedies—persons taking false oaths liable to penalties of perjury ... ... (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 4 *a* 6) 223, 224

—— —————— ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 5 *a* 7) 291, 292

—— Company to have same rights, powers, and remedies for discovery and recovery of money as owners—Courts of law may exercise same powers as with regard to balances payable to treasurers of Greenwich and Chelsea Hospitals; and Court of Directors and Governments abroad to have same powers as those treasurers: but the interests of the two Hospitals not to be affected ... ... (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 7 & 8) 224, 225

—— —————— ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 8 & 9) 292, 293

—— persons paying over prize-money under Acts acquitted absolutely (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 9) 225

—— —————— ... ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 10) 293

—— unclaimed shares in hands of Company to be carried to credit of Lord Clive's Fund and Poplar Hospital respectively, subject to refund. (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 10) 225

—— expenses of carrying Act into operation to be defrayed out of monies received—no person employed by the Company in executing it to act as agent, under penalty of £500—Act not to prevent remedy at law or equity against Company after application to Court of Directors at home or Governments abroad within six years (1 & 2 *Geo.* 4, *cap.* 61, *sec.* 11 & 12) 225, 226

—— —————— ... ... (9 *Geo.* 4, *cap.* 50, *sec.* 11 & 12) 293

—— Army—all captures to be at the disposal of the Crown (2 *Wm.* 4, *cap.* 53, *sec.* 2) 367

—— in conjunct expeditions of land and naval forces, after adjudication of Court of Admiralty, share of the army to be paid over for distribution (*sec.* 29) *ib.*

PROPRIETORS. (See General Court and Stock.)

PROVISIONAL APPOINTMENTS, Directors may make. (See Directors.)

PROVISIONAL APPOINTMENTS—*continued.* PAGE

—— but no person so appointed to be entitled to any authority, salary, or emolument, until in actual possession of office (33 *Geo.* 3, *cap.* 52, *sec.* 27) 79

—— —————— ... ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 61) 433

QUAKERS. (See Oath.)

QUALIFICATION. (See Directors and General Court.)

QUARTER SESSIONS, to be held by Governor-general and Council of Fort William, four times a-year ... ... ... (13 *Geo.* 3, *cap.* 63, *sec.* 38) 29

RECRUITS. (See Army.)

REGISTRATION of natives. (See Court Supreme of Fort William.)

—— of shipping. (See Shipping.)

REGULATIONS issued and framed by Governor-general in Council affecting persons amenable to provincial Courts to be registered in judicial department, formed into a code, and printed with translations into the country languages, and grounds of each regulation prefixed to it; all provincial Courts to be bound by such regulations, and Governor-general in Council to transmit ten copies to Court of Directors, and ten to Board of Control annually (37 *Geo.* 3, *cap.* 142, *sec.* 8) 112

—— Governor-general and Council may order corporal punishment for breach of Regulations ... ... (39 & 40 *Geo.* 3, *cap.* 79, *sec.* 18) 129

(See Justices of the Peace.)

—— to be laid before Parliament. (See Parliament.)

RESIDENCE IN INDIA, AND POSSESSION OR OCCUPATION OF LAND—Persons proceeding to India under direction of the Board of Commissioners, to be protected ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 33) 165

—— all persons to be subject to the rules and regulations in force (*sec.* 35) 166

—— Governments of India may declare certificates and licenses void; persons whose certificates or licenses are thus vacated not liable to prosecution for illicit residence until two months after notice ... (*sec.* 36) *ib.*

—— Governments of India not to authorize residence without lawful authority; but for extraordinary causes to be entered upon minutes, may grant special license until pleasure of Court of Directors known ... (*sec.* 37) *ib.*

—— on information exhibited by Advocate-general or other principal law officer of the Company, that any subject of the Crown not licensed or duly authorized has been found within its jurisdiction, Court may order such person to be arrested and brought before it, and upon non-production or want of proof of license or authority, or if upon production of such license or proof it shall appear that his residence, resort, or remaining comes not within its true intent and meaning, Court may summarily convict, inflict fine, not exceeding two thousand rupees, and commit offender to gaol for period not exceeding two months, unless the fine shall be sooner paid; on second conviction before same or any other Court offender may be fined not exceeding four thousand rupees, and committed for a term not exceeding four months, unless fine sooner paid; not to affect other enactments making unlawful residence a misdemeanor or subjecting offenders to be sent home; but no persons convicted as above to be pro-

RESIDENCE IN INDIA, &c.—*continued.*

PAGE

secuted for misdemeanor or sent home in respect of residence previously to such conviction ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 101) 185

—— persons resident without license may be sent home without being subject to prosecutions—masters and commanders of ships to receive and keep them safely until landed in the United Kingdom—persons thus deported to be entitled to be discharged in such port of the United Kingdom in which ship shall be moored in safety as they shall think fit ... (*sec.* 104) 186

—— natives resident without the town of Calcutta, Madras, or Bombay, may make complaint to the magistrate of any zillah against British subjects of injury against person or property accompanied by force and not being felony—magistrate to hear parties, examine witnesses, and, having taken substance of complaint in writing, acquit or convict—in case of conviction may inflict fine not exceeding 500 rupees, to be levied, in case of non-payment, upon property of offender—if no property be found offender may be committed to suitable place of confinement within district if there be such—if not to gaol of Presidency for a period not exceeding two months, unless fine sooner paid—magistrate may award whole or part of fine to party aggrieved—magistrates to transmit copies of all depositions and proceedings to Government—all fines to be paid in first instance to magistrate, and amount, after making satisfaction to parties, transmitted to clerk of the Crown or other proper officer of Court of Oyer and Terminer—convictions may be removed by *certiorari* to Court of Oyer and Terminer—not to prevent magistrate committing and holding to bail any British subject whose offence may appear a fit subject for prosecution in his Majesty's Court ... ... ... ... ... (*sec.* 105) 187

—— in cases of debts not exceeding 50 rupees, alleged to be due from British subjects to natives resident beyond the jurisdiction of the Courts of Requests at the Presidencies, magistrates of zillah or district may decide summarily; amount when found due to be levied in the same manner and subject to same provisions as to commitment of debtor as in cases of fines (*sec.* 106) 188

—— British subjects residing, carrying on trade, or possessing immovable property more than ten miles from Presidencies, in all civil and revenue matters to be subject to all Courts having jurisdiction in such matters—but no British subject to be sued in any such Court in respect of residence, unless residing within jurisdiction at the time of commencing the action, or that cause of suit shall have commenced within the jurisdiction of the Court and the suit be commenced within two years after the cause shall have arisen, and within six months after defendant shall have ceased to reside—no British subject liable to be sued in respect of carrying on trade within jurisdiction, unless cause of suit arise within it and relate to such trade—nor to be sued in respect of immoveable property unless situated within jurisdiction of Court, nor unless the suit be brought to recover possession or occupation of such property, or for rent or other demand arising out of it—jurisdiction of King's Court not barred, but plaintiff may sue there at his election ... ... ... ... ... (*sec.* 107) 189

RESIDENCE IN INDIA, &c.—*continued.*

PAGE

—— land and other immoveable property beyond limits of Presidencies to be held no otherwise than under and according to permission of Government (53 *Geo.* 3, *cap.* 155, *sec.* 107) 189

—— British subjects not in the service of the Crown or the Company, residing with permission of Government in certain parts of India, to procure certificate of permission, to be deposited and filed in the Civil Court of the district; copy attested by the judge or other officer to be delivered to the party, which shall be taken as evidence in Courts of Justice. No British subject, as aforesaid, to maintain any civil action (other than appeal) in any Court until attested copy of certificate be filed in such Court, or an affidavit accounting satisfactorily for not filing it. Unauthorized residence to subject party to be non-suited ... ... (*sec.* 108) 190

—— on conviction of party counterfeiting, altering, or falsifying license or certificate, or attested copy, or uttering such counterfeit or falsified document with guilty knowledge, offender to suffer imprisonment not exceeding one year, and pay fine not exceeding one thousand sicca rupees (*sec.* 120) 193

—— Governor-general in Council, or Governor in Council, or chief officer of any presidency or place, subordinate to any presidency, may give notice to any person not being a native of any part of the British territories, within the limits of the Charter, other than natural-born subjects of the Crown, lawfully resorting to or residing in India, to remove from the presidency, or from all or any part of the British territories in India, within a time to be limited. In default of obedience, such person may be apprehended and brought before Court of civil or criminal judicature, and it being proved on oath of credible witness, to the satisfaction of the Court, that such person is an alien and subject of a foreign state, together with service of notice, such person, unless proving the contrary, for which time shall be allowed, shall be remanded into custody of Governor-general, Governor, or chief officer, to be removed either to his own country, or if he be unwilling to return, then to such other place as shall be determined, and to be detained in custody until removed; any person, thus removed, returning without permission, may be apprehended and detained until discharged on such terms and conditions as Government shall decree sufficient—warrant for apprehension, detention, or removal, may be carried into effect, although person in custody, or delivered to bail, or in execution on civil process, and notwithstanding any license, privilege, or protection—no British subject, nor native of British territories within limits of the Charter, to be so removed—no law under which the resort of British subjects to India as settlers permitted or restrained, to be affected hereby—no subject of any foreign power to be apprehended, detained, or removed in any way inconsistent with any treaty (55 *Geo.* 3, *cap.* 84, *sec.* 6 & 7) 201, 202

—— any natural-born subjects of the Crown may proceed by sea to any part in British India having a Custom-house establishment, and pass through and reside in such parts as were under government of Company on 1st January 1800, in any part of the country ceded by the Nabob of the Carnatic, of the province of Cuttack, and of the settlements of Singapore and Malacca,

RESIDENCE IN INDIA, &c.—*continued.*

PAGE

without license; but if not natives, and arriving from any part or place beyond the territories of the Company, are to make known in writing their names, places of destination, and objects of pursuit, to the chief officer of Customs, or other officer appointed for the purpose; none but servants of Company, and others lawfully authorized to enter by land, nor to proceed to or reside in any parts but those above-mentioned, without licence from the Board, or the Court of Directors, or the Governor-general in Council, or Governor or Governor in Council of one of the presidencies; but no license to be revoked, except in accordance with the terms of such license. Governor-general in Council, with previous sanction of Court of Directors, may declare other places open; Governor-general in Council to make laws for prevention and punishment of illicit residence (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 81 to 84) 439

—— Governor-general in Council with all convenient speed to make laws for protection of natives from injury and outrage ... ... (*sec.* 85) *ib.*

—— natural-born subjects of the Crown may hold lands or interests in lands in territories where authorized to reside; Governor-general in Council may authorize acquisition in lands in any places and for any extent of terms (*sec.* 86) *ib.*

—— commander of ship or vessel arriving at any place under the government of the Company, to make out, sign, and deliver to principal officer of Customs or other person duly authorized, a list of names, capacities, and descriptions of all persons who shall have been on board such ship at time of arrival; penalty for neglect £100, half to informer, half to Company, or if Company inform whole to Company—to be recoverable in his Majesty's Courts of Record in Great Britain, Ireland, India, or elsewhere, or in any Court in India to which Governor-general in Council may give jurisdiction; or by summary conviction before two Justices of the Peace in the United Kingdom, or in India; penalty may be levied by distress and sale of goods, and for want of sufficient distress offender committed to gaol for three months ... ... (3 & 4 *Wm.* 4, *cap.* 93, *sec.* 3 & 4) 447

RETIRING PENSIONS.—Competent yearly sum, out of revenues of India, may be applied for the use of chief justice or judge returning to Europe (37 *Geo.* 3, *cap.* 142, *sec.* 2) 111

—— and although he shall not return to Europe—payment to cease on re-appointment to any such judicial office (55 *Geo.* 3, *cap.* 84, *sec.* 8) 202

—— to chief justice and judges of superior Courts in India granted previously to passing of 4 Geo. 4, cap. 71, or to be subsequently granted in favour of persons then exercising office, not affected by provisions of this Act (4 *Geo.* 4, *cap.* 71, *sec.* 18) 233

—— to Bishop of Calcutta ... ... ... ... (*sec.* 3) 229

—— ———— ... ... ... (6 *Geo.* 4, *cap.* 85, *sec.* 15) 275

—— to Bishops of Madras and Bombay ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 96) 441

—— residence as Bishop of Madras or Bombay, on translation to see of Calcutta, to be accounted residence as Bishop of Calcutta ... (*sec.* 97) 442

—— to archdeacons ... ... ... (4 *Geo.* 4, *cap.* 71, *sec.* 3) 229

RETIRING PENSIONS—*continued.*

PAGE

—— to archdeacons, having previously served as chaplains, whose right to any benefit granted by the Company is not to be prejudiced, nor the right of the Company to make and vary regulations respecting the fees, allowances, powers, and retirement of their chaplains (4 *Geo.* 4, *cap.* 71, *sec.* 4) 230

—— residence of person, being an archdeacon at passing of Act 3 and 4 Wm. 4, cap. 85, to be accounted residence as bishop if nominated to bishopric of Madras or Bombay ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 97) 442

—— to Chief Justice and Judges of Supreme Court, not to be granted till after five years' residence ... ... (6 *Geo.* 4, *cap.* 85, *sec.* 7) 273

—— to Chief Justice of Fort William ... ... ... (*sec.* 8 & 12) *ib.*

—— to Chief Justice of Madras and Bombay ... ... (*sec.* 9 & 12) 274

—— to Puisne Judge of Fort William ... ... ... ... (*sec.* 10) *ib.*

—— to Puisne Judge of Madras and Bombay ... ... ... (*sec.* 11) *ib.*

—— to Recorder of Prince of Wales' Island ... ... (*sec.* 13 & 14) *ib.*

—— Chief Justice, Judges, Recorder of Prince of Wales' Island, and Bishop of Calcutta, not entitled to if resigning under ten years service, except from illness ... ... ... ... (6 *Geo.* 4, *cap.* 85, *sec.* 16) 275

—— allowances to officers of Board. (See Superannuations.)

—— superannuations to officers of home establishment. (See Superannuations.)

RICKETTS, GILBERT, Esq. Register of Supreme Court of Madras; deficiency caused by insolvency of, to be paid out of revenues of the Company; instructions to that effect to be sent out to the Government of Madras; lawful to make payment in this country (11 *Geo.* 4, & 1 *Wm.* 4, *cap.* 75, *sec.* 1, 2 & 3) 361 a 363

ROMAN CATHOLICS, being members of lay corporations, not to vote, or in any manner join in election, presentation, or appointment to any ecclesiastical benefice, nor to any office or place belonging to, or connected with, the united church of England and Ireland, or the church of Scotland, being in the gift, patronage, or disposal of such Corporation (10 *Geo.* 4, *cap.* 7, *sec.* 15) 348

SALARIES, ALLOWANCES, and GRATUITIES.—Board not to increase or order (28 *Geo.* 3, *cap.* 8, *sec.* 3 & 4) 70

—— ——— ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 17 & 18) 76

—— no grant of salaries, establishment, or pension, nor increase thereof above £200. per annum, to be valid without approbation of Board (*sec.* 125) 94

—— no gratuity exceeding £600 to be made chargeable on the funds of the Company, without sanction of Court of Proprietors and approbation of Board ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 88) 178

—— nor by the Company, or Court of Directors with the sanction of Court of Proprietors, unless the same shall have been approved by Board (55 *Geo.* 3, *cap.* 64) 197

—— all grants to be subject to control of Board (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 25 424

—— copies of all warrants to be submitted to both Houses of Parliament. (See Parliament.)

—— allowances, superannuations, &c. to officers of Board. (See Board.)

SALARIES of Governor-general and Council of Fort William, Governor and Council

SEAMEN, &c.—*continued.*

PAGE

of Fort St. George, and Bombay, Chief Justices, and Judges of Supreme Courts of Fort William and Madras, Governor and Recorder of Prince of Wales' Island, to commence from their taking upon them the execution of their offices ... ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 89) 179

—— like provisions as to Chief Justice and Judges of Supreme Court of Bombay (4 *Geo.* 4, *cap.* 71, *sec.* 13) 233

—— provision repeated, as to Governor-general, Governors and Members of Council ... ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 76) 437

——. salaries of Governor-general, Governors, and Members of Council, to be entire emoluments ... ... ... ... *ib.*

—— of Governor-general of India ... ... ... (*sec.* 76) *ib.*

—— member of Council of India ... ... ... ... (*ib.*) *ib.*

—— Governor of Subordinate Presidency ... ... ... (*ib.*) *ib.*

—— member of Council of Subordinate Presidency ... ... ... (*ib.*) *ib.*

—— if Governor-general, Governor, or member of Council, hold pension, salary, or place under the Crown, or public office of the Company, or annuity out of Civil or Military Fund of Company, salary to be reduced by the amount so enjoyed ... ... ... ... ... (*sec.* 77) 437

—— of Bishop of Calcutta ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 49) 170

—— of bishop and archdeacons, to commence on taking execution of office; to be in lieu of all fees and emoluments, and to continue while they execute their functions in the East-Indies, and no longer ... ... (*sec.* 50) *ib.*

—— of Bishops of Madras and Bombay ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 89) 440

—— to commence on taking execution of office, and no fees, perquisites, emoluments, or advantages beyond them, to be taken ... ... (*sec.* 90) *ib.*

—— if Chief Justice or Judge of any of the Supreme Courts, Recorder of Prince of Wales' Island, or Bishop of Calcutta, die during passage out, or within six months after arrival, his representatives to receive so much as, together with any sums drawn by deceased, shall make one year's salary, six months salary in addition to any sum that may be due, to be paid, where judge or bishop has resided more than six months, and dies in possession of office ... ... ... (6 *Geo.* 4, *cap.* 85, *sec.* 5) 272

—— same provision as to Bishops of Madras and Bombay (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 97) 442

—— of Chief Justice of Madras ... ... (6 *Geo.* 4, *cap.* 85, *sec.* 1) 271

—— Puisne Judges there ... ... ... ... ... (*ib.*) *ib.*

—— Chief Justice of Bombay ... ... ... ... (*sec.* 2) *ib.*

—— Puisne Judges there ... ... ... ... (*ib.*) *ib.*

—— Judge of Superior Courts at Fort William, Madras, or Bombay, acting as chief justice, to draw salary while so acting instead of his own (*sec.* 3) 272

SALE, CONTRACT, OR BARGAIN FOR OFFICE.—Entering into any with respect to any office or employment under the Crown or Company in the East-Indies by any persons resident in India, to be a misdemeanor at law (33 *Geo.* 3, *cap.* 52, *sec.* 66) 92

(See Sale and Brokerage of Offices).

SALE AND BROKERAGE OF OFFICES.—Provisions of 5 & 6 Edward 6, cap. 11,

SALE AND BROKERAGE OF OFFICES—*continued.*

PAGE

extended to offices, commissions, places and employments belonging to, or under the appointment of the Company (49 *Geo.* 3, *cap.* 126, *sec.* 1) 145

—— right of appointment, when forfeited, to go to the Crown ... (*sec.* 2) 147

—— buying or selling offices, or receiving or paying money for offices, a misdemeanor ... ... ... ... ... (*sec.* 3) *ib.*

—— receiving or paying money for soliciting offices, negociating, or pretending to negociate, a misdemeanor ... ... ... (*sec.* 4) *ib.*

—— opening or advertising houses for transacting business relating to sale of offices, a misdemeanor ... ... ... ... (*sec.* 5) 148

—— persons advertising or publishing names of brokers or agents, liable to penalty of £50 ... ... ... ... ... (*sec.* 6) *ib.*

—— Act not to extend to purchase, sale, or exchange of certain Court appointments, nor of commissions in his Majesty's forces at regulation prices, nor to authorized regimental agents acting without fee or reward (*sec.* 7) 149

—— but officers in army not to give more than regulation prices, under certain penalties ... ... ... ... ... (*sec.* 8) *ib.*

—— exceptions to operation of Act ... ... (*sec.* 9 to 12) 149, 150

—— purchase in Scotland ... ... ... ... (*sec.* 13) *ib.*

—— offences committed abroad may be tried in the Court of King's Bench (*sec.* 14) *ib.*

—— date of commencement of Act in various parts ... ... (*sec.* 15) 151

SALES. (See Auctions.)

SCHOOLMASTERS to be provided in all garrisons and superior factories where necessary (*Charter*) 4

SEAMEN.—Prize-money due to seamen in service of East-India Company. (See Prize-money).

SEAMEN, ASIATIC, though born within territories under the government of the Crown or the East-India Company, not to be deemed British seamen (4 *Geo.* 4, *cap.* 80, *sec.* 20) 234

—— ———— ... ... (3 & 4 *Wm.* 4, *cap.* 54, *sec.* 16) 387

—— but in time of war, his Majesty, by proclamation, may permit trading vessels and privateers to be manned, wholly or in part, with Asiatic seamen, for period to be limited ... (4 *Geo.* 4, *cap.* 80, *sec.* 20) 234

—— British vessels manned in part with lascars, and having four British seamen for every hundred tons, to be deemed navigated according to law (*sec.* 21) *ib.*

—— if in India sufficient number of British seamen cannot be procured, Government may grant license to sail with less proportion ... (*sec.* 22) *ib.*

—— no British seamen required in trade between ports and places within the limits of Charter ... ... ... ... ... (*sec.* 23) 235

—— Governor-general in Council to make rules and regulations for the protection of Asiatic seamen. Such rules to have the effect of law, and if duly authenticated to be received by Courts and Justices (*sec.* 25 and 26) 235, 236

—— masters of vessels arriving at any part of the United Kingdom, before ship shall be admitted to entry, shall make out and exhibit list of Asiatic seamen on board, or who have been on board during any part of the voyage, with a true account of what became of those no longer on board (*sec.* 27) 236

SEAMEN—*continued.*

PAGE

—— for breach or non-observance of rules and provisions in relation to Asiatic seamen, master, and owners, shall forfeit ten pounds, to be recovered in any of his Majesty's Courts of Record in the United Kingdom, East-Indies, or elsewhere, or by summary conviction before Justices—one-third of penalty to go to informer, and two-thirds for benefit of Asiatic seamen, in respect of whom penalty has been incurred (4 *Geo.* 4, *cap.* 80, *sec.* 28) 263

—— form of conviction before Justices ... ... ... (*sec.* 29) 237

—— penalties to be recovered by distress and sale—in default of sufficient distress, offender may be committed for three months (*sec.* 30) *ib.*

—— Asiatic sailors convicted of vagrancy, may be shipped on board any vessel bound to the place from which they were brought, the commander of which may be willing to take charge of them at the expense of the person liable under the rules, or of any other person willing to defray it (*sec.* 31) 237

—— proceedings not to be quashed for want of form, and proceedings before Justices not removable by *certiorari* ... ... (*sec.* 32) *ib.*

—— if Asiatic sailors, natives of the territories within the limits of the Charter, having been brought into the United Kingdom on board any ship not being a ship of war in the service of the Crown, be found in the streets in distress, Company to afford relief, and advance money for their passage home, to be recovered, with costs of suit, in any Courts of the United Kingdom, or in the East-Indies, if the owners shall reside there (*sec.* 34) 238

SEAMEN, BRITISH—seamen and boys by shipwreck, or other cause, left in distress in foreign parts, or discharged from his Majesty's ships, to be provided for by Governors, ministers, consuls, &c. at the authorized Admiralty allowance; bills and vouchers to be sent to the Commissioners of the navy. Seamen and boys to be sent home by first British ship wanting hands; and if no such ship, passages to be procured; master or other person refusing to receive such men or boys, liable to penalty of £100 for each (11 *Geo.* 4, & 1 *Wm.* 4, *cap.* 20, *sec.* 82) 350

—— Admiralty to cause abstract of Act to be made and printed, and copies forwarded to Governors of settlements within the Charter of the East-India Company ... ... ... ... ... (*sec.* 94) 351

—— Letters of. (See Postage.)

—— provisions for determining who are British seamen (3 & 4 *Wm.* 4, *cap.* 54, *sec.* 16 and 17) 387, 388

—— merchant seamen, whether British or foreign, not to be discharged in colonies or plantations, without sanction in writing of Governor, or other officer ... ... ... (5 & 6 *Wm.* 4, *cap.* 19, *sec.* 41) 458

—— master shall not leave abroad any person of his crew, under pretence of not being in a condition to proceed, or having deserted, or otherwise disappeared without certificate ... ... ... (*sec.* 42) 459

SECRET COMMITTEE OF COURT OF DIRECTORS to be appointed—number not to exceed three ... ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 35) 426

—— to forward despatches sent from Board without disclosure (33 *Geo.* 3, *cap.* 52, *sec.* 19) 77

—— ———— ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 36) 427

SECRET COMMITTEE, &c.—*continued.*

PAGE

—— to employ only the secretary or examiner in preparing secret despatches, except with approbation of the Board. Every person so employed to take oath of secrecy, to be administered and attested by committee, or any two members ... . (33 *Geo.* 3, *cap.* 52, *sec.* 21) 77

—— to deliver to the Board secret despatches or copies received from India immediately on the arrival ... ... ... ... (*sec.* 22) 78

—— not to disclose despatches relating to levying of war, making of peace, or treating or negociating with any native power or state, until authorized by the Board ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 73) 173

—— to take an oath of a prescribed tenor ... ... ... (*sec.* 74) *ib.*

—— ———— ... ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 35) 426

—— secretary, examiner, or other persons employed by Secret Committee in preparing or transcribing secret despatches to or from them, to take oath of same tenor with that taken by the Secret Committee before entering upon their duty, in manner prescribed by 53 Geo. 3, cap. 52, sec. 75 ... 174

SECURITY FUND. Company to pay £2,000,000 into the Bank of England to account of Commissioners for Reduction of National Debt, with compound interest at 3½ per cent. on sums unpaid commencing from 22nd April 1834—principal and interest to be laid out in purchase of stock in redeemable public annuities transferable at the Bank; dividends to be received by cashiers of the Bank, and paid to account of Commissioners, till the whole sum amount to £12,000,000, to be a fund to secure the redemption of the Company's dividend—Commissioners on requisition of Court of Directors to raise and pay to the Company sums necessary for dividends in cases of failure of remittances, such sums to be raised by sale or mortgage, as Directors with approbation of Board may direct—to be repaid into Bank when remittances received with such interest as Directors with approbation of Board shall fix—Dividends on stock forming Security Fund after it shall have attained sum of £12,000,000 till applied to redemption of Company's dividend, and surplus after redemption to be applied in aid of revenues of India—sum of £2,000,000 to be paid out of any sums due to the Company by the public when received and out of any money arising from sale of Government stock belonging to the Company in preference to all payments (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 14, 15, 16 & 17) 421, 422

SEMINARY, MILITARY. (See Military Seminary.)

SEPARATISTS. (See Oath.)

SHIPPING—Court of Directors or Governments abroad may hire ships, public notice being given—the lowest tender to be accepted if reasonable and the ship fit for the required service—engagement of ships not to extend beyond the duration of the service for which they have been hired (58 *Geo.* 3, *cap.* 83, *sec.* 7) 205

—— in case of unforeseen exigency ships may be taken up by private contract under certain provisions ... ... ... ... (*sec.* 8) *ib.*

—— Court of Directors may hire for any service any ships, new or otherwise, the registered measurement of which is not more than 800 tons ... (*sec.* 10) 206

—— but no vessel under 350 tons ... ... ... ... (*sec.* 11) *ib.*

—— provisions of Act not to extend to ships employed in Company's service, or

SHIPPING—*continued.*

PAGE

marine war establishment in East-Indies, but Court of Directors and their agents abroad may take up vessels for those purposes in any manner they may see fit—Act not to prevent goods being loaded on account of Company on board any private ship (58 *Geo.* 3, *cap.* 83, *sec.* 14) 206

—— Company's by-laws relating to shipping, not inconsistent with provisions of Act, to remain in force ... ... ... ... (*sec.* 15) *ib.*

—— importation and exportation of Goods. (See Customs.)

—— provisions for determining British and foreign ships (3 & 4 *Wm.* 4, *cap.* 54, *sec.* 12, 15) 386, 387

—— provisions for navigating British and foreign ships (*sec.* 16, 18, 19, 20) 387, 388

—— ships trading within limits of Charter may be navigated entirely by natives of the countries within those limits ... (4 *Geo.* 4, *cap.* 80, *sec.* 23) 235
(3 & 4 *Wm.* 4, *cap.* 54, *sec.* 18) 388

(See also Seamen, Asiatic.)

—— Registration of British vessels—provisions affecting (3 & 4 *Wm.* 4, *cap.* 55) 389, 407
(1 & 2 *Vic.*, *cap.* 113, *sec.* 11, 14) 489, 490

—— ships built at any place within limits of the Charter prior to 1st January 1816, and then and ever since the property of British subjects, to be deemed British ships within the limits, including the Cape of Good Hope (3 & 4 *Wm.* 4, *cap.* 59, *sec.* 84) 415

—— lists of persons on board ships arriving in India. (See Residence.)

SINGAPORE transferred to the Company ... ... (5 *Geo.* 4, *cap.* 108, *sec.* 1) 264

—— provision may be made by Crown for administration of justice in (6 *Geo.* 4, *cap.* 85, *sec.* 19) 276

—— annexed to Prince of Wales' Island ... ... ... (*sec.* 21) 277

SLAVERY ABOLITION ACT not to extend to territories of the Company, Ceylon, or St. Helena ... ... ... (3 & 4 *Wm.* 4, *cap.* 73, *sec.* 64) 416

SLAVERY IN INDIA. (See Governor-general of India in Council.)

SOCIETY, General. (See General Society.)

SOUTH SEA COMPANY. (See Directors.)

ST. HELENA, vested in the Crown ... ... ... (*cap.* 85, *sec.* 112) 445

—— civil servants at. (See Civil Service.)

STAMPS. (See Debt Bond—Debt India Territorial—General Court.)

STOCK, CAPITAL. Books of account to be kept, to be attested upon oath if required (*Charter*) 8

—— method of transfer in person ... ... ... ... ... *ib.*

—— ditto by letter of attorney ... ... ... ... *ib.*

—— collusive transfers to qualify voters at elections, and all securities affecting them void ... ... ... ... (13 *Geo.* 3, *cap.* 63, *sec.* 3) 22

—— persons voting by virtue of collusive transfer, and afterwards re-transferring stock, to forfeit £1,000 .. ... ... ... ... *ib.*

—— may be devised by will, but devisee not to transfer or receive dividend till entry made in Company's books ... ... (*Charter*) 9

—— to be personal estate ... ... (9 & 10 *Wm.* 3, *cap.* 44, *sec.* 71) 12

—— no member to be liable to be a bankrupt in respect of his stock only (*sec.* 74) 13

—— not liable to foreign attachment ... ... ... ... ... *ib.*

STOCK, &c.—*continued.*

PAGE

—— Courts of Equity may order transfer of stock, or payment of dividends to parties, in a suit, and issue injunction to restrain transfer or payment, although Company not party to suit; certificate signed by proper officer, stating amount of stock or dividends, and in whose name standing, and (if required but not otherwise) when any part of it was transferred to be delivered on due application for which payment of 2s. 6d. shall be made; Act not to extend to any case where any further discovery is wanted, nor to any case in which Company claim an interest, but in such cases Company to be made party to suit; if special matter shall arise which may affect interests of Company, or which may be objected against any such transfer or payment, it may be stated by motion or petition, and process to be suspended until final order; in suits previously depending when Company may have put in answer not claiming any interest, no further proceedings to be had against them, as party and costs may be taxed, subject to further orders as to final payment ... ... (39 & 40 *Geo.* 3, *cap.* 36, *sec.* 1 *to* 4) 124, 125

—— stock taken by direction of Court of Exchequer, or Lord Chief Baron, to be in name of Accountant-general, and the particular trust to be specified in the security; on death or resignation of Accountant-general property to vest in his successors; when money is ordered by Court of Exchequer to be invested, the security shall be specified; if East-India stock it shall be transferred into name of Accountant-general, transfer to contain an entry or declaration of trust in the books, and Accountant-general shall take a certificate from the proper officer of the Company for delivering to the Bank; one of the cashiers of the Bank to receive interests and dividends: when Court order sale or transfer of stock, a certificate of the decree or order, to be signed by the Clerk of the Reports, shall be delivered to the proper officer of the Company, which shall be a sufficient authority for the transfer. If Accountant-general incapacitated from acting, Court may direct the other Master of the Court, either generally or specially, to perform his duties. Forgery of hand-writing of Accountant-general, or other officer of Court of Exchequer, or of cashier of Bank, or of any officer of Company, body politic, or corporation, whom it may concern, punishable at law ... ... (1 *Geo.* 4, *cap.* 35) 210 a 218

—— stock of any public company standing in the name of trustee becoming bankrupt, Lord Chancellor may order to be conveyed to other persons on the same trusts, or such of them as may be then subsisting, and profits, interest, dividends, &c. to be paid over as the Lord Chancellor shall direct (6 *Geo.* 4, *cap.* 16, *sec.* 79) 265

—— stock in which bankrupt is beneficially interested, Commissioners may order to be transferred to assignees, and dividends to be paid them, which order shall be an indemnification for such transfer and payment ... (*sec.* 80) *ib.*

—— when standing in name of an infant beneficially entitled thereto, Lord Chancellor may direct dividends to be paid to any person for benefit of infant—the person to whom payment is directed to be made being named in the order, and the receipt of such person to be effectual (11 *Geo.* 4, & 1 *Wm.* 4, *cap.* 65, *sec.* 32) 357

STOCK, &c.—*continued.*

PAGE

—— where standing in name of or vested in person of lunatic or of Committee of estate of lunatic—Lord Chancellor may direct such person as he may appoint to transfer stock into name of new Committee or of Accountant-general of Court or otherwise, and to receive and pay over dividends, such transfer and payments to be valid (11 *Geo.* 4, & 1 *Wm.* 4, *cap.* 65, *sec.* 33 & 34) 357, 358

—— powers given to Court of Chancery and Lord Chancellor of England to extend to all his Majesty's dominions except Scotland, and may be exercised by Lord Keeper or Commissioners of Great Seal ... (*sec.* 36, 39 & 42) *ib.*

—— power given to Court of Chancery may be exercised by Court of Exchequer (*sec.* 37) *ib.*

—— in all orders for transfers of stock, the person to be named shall be some officer of the Company, in whose books such transfer shall be made (*sec.* 43) *ib.*

—— Act to be an indemnity to all Companies, their officers, and servants (*sec.* 44) *ib.*

—— forgery. (See Forgery.)

—— dividend of £10 10*s.* per cent per annum on the existing amount of capital stock to be paid out of Indian revenues—to be payable half yearly on 6th of January and 6th of July ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 11) 420

—— account of original amount of stock and progressive increase ... ... *ib.*

—— dividend to be redeemable by Parliament after 30th of April 1874, at the rate of £200 per cent. together with proportionable part of dividend, if redemption take place except on one of the half yearly days of payment—twelve months' notice in writing to be given by the Speaker of the House of Commons of the intention to redeem—if Company cease to retain territory and Government after 30th April 1854, they may within one year thereafter demand the redemption of the dividend and provision for the redemption at the above rate shall be made within three years ... ... ... ... ... (*sec.* 12 & 13) 421

—— Security Fund. (See Security Fund.)

—— dividend to be paid in preference to all other charges payable in Great Britain ... ... ... ... ... (*sec.* 17) 422

—— Court for Relief of Insolvent Debtors may order transfer to assignee of insolvent of stock standing in his name in his own right (1 & 2 *Vic. cap.* 110, *sec.* 54) 488

STORES, Company may ship free of duties, if duties do not exceed £300 in one year (7 *Geo.* 1, *cap.* 21) 1

SUGAR. (See Customs.)

SUMATRA. (See Transportation.)

SUPERANNUATION allowances to officers of board; his Majesty may grant allowances, compensations, remunerations, and superannuations to officers of board, in conformity with 50 Geo. 3, cap. 117, to be paid by the Company; previous service under the Company to be reckoned in computing period of service ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 91 & 92) 181

— to officers of Company in England disqualified by age or infirmity may be granted by Court of Directors; to any officer under sixty years of age disabled by age or infirmity, and having served ten years, any annual sum

SUPERANNUATION—*continued.*

PAGE

not exceeding one-third of his salary and emoluments; above ten years and less than twenty year's one-half; above twenty years, two-thirds: an officer above sixty years of age having served fifteen years (without proof of infirmity), two-thirds; sixty-five years of age, and having served forty years, three-fourths; sixty-five years of age, and having served fifty years, the whole ... ... (53 *Geo.* 3, *cap.* 155, *sec.* 93) 181

—— account to be laid before Parliament. (See Parliament.)

SUPREME Court. (See Court.)

SURGEONS and ASSISTANT-SURGEONS, in service of Company may practice as apothecaries in England and Wales without examinations and certificate prescribed by 55 Geo. 3, cap. ... ... (6 *Geo.* 4, *cap.* 133, *sec.* 4) 282

SUSPECTED PERSONS. (See Governor-general and Council of Fort William and Governments Subordinate.)

TERRITORIAL POSSESSION AND GOVERNMENTS.—Successive grants of, to Company 13

—— to remain with Company ... ... (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 1) 417

TRADE.—No Governor-general, Governor, Member of Council, nor any person engaged in the collection of revenues or administration of justice in Bengal, Bahar, or Orissa, nor their agents nor servants, nor any person in trust for them, nor any Judge of the Supreme Court of Judicature, to be concerned in trade ... ... (33 *Geo.* 3, *cap.* 52, *sec.* 137) 96

—— trading by Governor-general, Governor, or Member of Council, for his own benefit, or that of any other person, a misdemeanor (3 & 4 *Wm.* 4, *cap.* 85, *sec.* 76) 437

—— exclusive.—Periods of renewal ... ... ... ... ... 13

—— external.—Vessels of countries in amity with the British Crown may import into, and export from, British possessions in India, such goods as may be permitted by Court of Directors, who are to frame regulations for the trade —no vessel as above to be liable to seizure, confiscation, or forfeiture, for carrying on trade in conformity with regulations—Directors not to frame regulations inconsistent with treaties or Acts of Parliament which have been passed ... ... ... (37 *Geo.* 3, *cap.* 117, *sec.* 1) 110

—— regulations to be subject to the control of the Board ... (*sec.* 2) *ib.*

—— not to be altered or varied by General Court ... ... (*sec.* 3) 111

—— inland, in salt, betel nut, tobacco, and rice.—His Majesty's subjects not to engage in such trade in Bengal, Behar, or Orissa, except on account of Company, or with their permission, on pain of forfeiting all the commodities, and treble the value, half to the Company and half to the person suing ... ... ... (33 *Geo.* 3, *cap* 52, *sec.* 137) 96

TRANSFER. (See Stock.)

TRANSPORTATION—Power given to remove transported persons from Sumatra to other places, and to direct persons sentenced to be transported there to be sent elsewhere ... ... ... ... (5 *Geo.* 4, *cap.* 108, *sec.* 2) 264

—— natives of India not born of European parents not to be transported to eastern coasts of New South Wales or adjacent places (9 *Geo.* 4, *cap.* 74, *sec.* 30) 325

PAGE

VOLUNTEERS—Company may raise and maintain a corps of volunteer infantry, to be employed upon the services upon which other volunteer corps, lawfully embodied, may be employed ... ... (1 *Geo.* 4, *cap.* 99) 218, 219

VOTES—Equality of, in Court of Directors or General Court, to be taken as a rejection of the motion, except in case of election to office or place where there shall be more than one candidate (53 *Geo.* 3, *cap.* 155, *sec.* 77) 174

(See Ballot, General Court, and Lot.)

USURY—contracts for money exceeding £10 not subject to Usury Laws; exemption not to extend to loan of money on land; five per cent. legal rate of interest unless by agreement; Act to continue in force till 1st January 1842 (2 & 3 *Vict. cap.* 37, *sec.* 1, 2, & 4) 506, 507

(See also Interest.)

WILL. (See Stock.)

WITNESSES IN INDIA. (See Mandamus and Parliament.)

WRITERS. (See Civil Service.)

00078543

Digitized with financial assistance from the
Government of Maharashtra
on 02 January, 2016